

Dominions

No. 35.

CONFIDENTIAL.

REORGANISATION OF THE COLONIAL
OFFICE.

Division of the Office.

THERE are two Resolutions submitted to the Conference respecting the reorganisation of the Colonial Office.

General Botha's Resolution proposes that all matters relating to the self-governing Dominions, as well as the permanent Secretariat of the Imperial Conference, should be placed directly under the Prime Minister of the United Kingdom.

The other Resolution, that of Sir Joseph Ward, states that it is essential that the Department of the Dominions be separated from that of the Crown Colonies, and that each Department be placed under a separate Permanent Under-Secretary.

His Majesty's Government will not be able to agree to the first Resolution.

At the Conference of 1907 Mr. Deakin and Dr. Jameson wished to put the Secretariat under the Prime Minister, Mr. Deakin adding the suggestion that the Secretariat under the Prime Minister should deal with all the important despatches involving constitutional questions relating to the self-governing Dominions.

Sir Henry Campbell-Bannerman was unable to accept the duty of being responsible for the Secretariat, though he accepted the titular presidency of the Conference. Sir W. Laurier then expressed the opinion that the Prime Minister was too busy a man to be burdened with other duties. The Prime Ministers of the Dominions will therefore not be in any way surprised to learn that the present Prime Minister of the United Kingdom is unable to undertake the burden of responsibility not merely for the work

of the Secretariat, but for the whole work in respect of the Dominions.

3. The second Resolution will also not be acceptable to His Majesty's Government, on grounds which it is believed will appeal to and receive support from the Prime Ministers of Australia, of New Zealand, and of the Union of South Africa.

From the point of view of these three Dominions, as well as of His Majesty's Government, the bifurcation of the Colonial Office into two separate Departments, under which the overseas possessions would be segregated, according to status, into two divisions—self-governing Dominions and Crown Colonies respectively—would be open to serious objection, because this would remove the administration of the South African Protectorates and Rhodesia, and of Fiji, and the islands of the Western Pacific from the control of the Dominions Department.

The efficiency of the administration of these possessions would be undoubtedly diminished, and the three Dominions concerned would not feel the same confidence in that administration if it were divorced from the Dominions Department.

The bifurcation of the Colonial Office, so far as is practicable with due regard to efficiency and convenience, has already practically been effected by the separation carried out in accordance with Lord Elgin's undertaking at the last Conference.

4. Lord Elgin's scheme, as explained in his despatch of the 21st September, 1907, under which the office is at present managed, did not absolutely divide the office into two halves, placing the work relating to Dominions and Crown Colonies into water-tight Departments; this would have involved a severance of the South African Protectorates, and of the Western Pacific Protectorates and Fiji, from the Dominions Department, which, for the reasons already stated, is undesirable. It would also have involved the abolition of the General Department, which transacts a certain amount of business common to the two Departments, mainly relating to ceremonial matters and legal instruments. It would also have involved the appointment of a separate legal adviser for each Department. A rigid division would also mean setting up a separate Accounts Branch, Library, Copying Branch, and Printing Branch, which would be

absurd and unjustifiable, nor would it be desirable to treat the staff of each Department as a separate service, never liable to interchange. The work of the two divisions of the office, as now organised, is in many respects related, and questions of policy and principle cannot be decided in one sense for one division, and in another sense for the other. Association and interchange of the staff of the office from time to time are much to be desired from this point of view. It is also worth remarking that in the absence of any interchange the stagnation in promotion which might occur in connection with so small a staff as that attached to the Dominions Department would have a most serious effect upon the senior and junior members. Frequent interchanges between the clerks of the higher grade in the two Departments are not likely to take place, for the simple reason that officials versed in particular work of engrossing interest are never anxious to be moved, nor are their superiors anxious to move them.

His Majesty's Government must be admitted to be the best judges as to the above arrangements, for which they pay and are responsible to Parliament. The Dominions cannot fairly object, for the separation is as complete as considerations of efficiency allow.

5. The further change suggested by the second Resolution, viz., the substitution of two Permanent Under-Secretaries of State for one would not conduce to efficiency under the present arrangements, and is not appropriate or necessary as long as the division of the office does not strictly follow the lines of status. The harmonious administration of the office would suffer if there were two permanent heads. The correlation of information and policy afforded by a single permanent head is a security to the Secretary of State, with which he cannot be expected to consent to dispense.

6. It would be possible, however, to agree to a change in the title of the Secretary of State, and thus to meet the strong sentimental objection felt on the part of the people of the self-governing Dominions to their being included under the term Colonies without any recognition of their special status. If their different status is to be recognised, the title of the Secretary of State ought to be "Secretary of State for the self-governing Dominions and Crown Colonies."

This could be shortened to "Secretary of State for Dominions and Colonies." This designation would appear to be preferable, in the circumstances, to the suggestion of Sir Joseph Ward, "Secretary of State for Imperial Affairs."

It would not appear to be necessary to make any change in the title of the Colonial Office itself, which is convenient and has many traditions behind it.

Standing Committee of the Imperial Conference.

7. His Majesty's Government require to take into consideration the possibility that the Conference may desire some further development of the machinery for taking common counsel on matters of common interest to the Empire.

The second resolution of New Zealand for the Imperial Conference proposes the creation of an Imperial Council of State, on which the Dominions would be represented, in theory and in fact advisory to the Imperial Government on all questions affecting the interests of the oversea Dominions. The third New Zealand resolution contemplates an advance by providing that the High Commissioners are to be informed of matters affecting their Dominions, with a view to their Governments expressing their opinion on them; they are also to be invited to attend meetings of the Committee of Imperial Defence when questions affecting the Dominions are under consideration; they are to be invited to consult the Foreign Minister respecting similar questions; they are to be the sole channel of communication between the Imperial and Dominions Governments, Governors being given identical and simultaneous information.

The precise relation of these proposals to each other has probably not been thought out by the New Zealand Government. As they stand, though the Council is advisory only, and though the High Commissioners are consulted only subject to reference to their Governments, there would be a grave risk that, *e.g.*, in respect of the general foreign policy of the Empire, the responsibility for which must in the nature of things rest with His Majesty's Government, the position of His Majesty's Government would be made most difficult in practice.

If, however, the desire of New Zealand for further recognition of the High Commissioners is

to be met, His Majesty's Government will no doubt consider whether this may not be sufficiently met by the creation of a joint Council or Committee consisting of the High Commissioners acting with representatives of the Dominions Department and of the Secretariat incorporated in it to deal with such matters of common interest as are now discussed at the Imperial Conference. After this body had discussed a question from the point of view of the interest of each Dominion concerned, and had arrived at some common agreement, each High Commissioner would send a detailed report of the proceedings and suggestions to his Government. An organisation permanent and continuous in action would thus be established, but purely informatory and advisory in character.

8. The proposed body would be for all practical purposes a Standing Committee of the Imperial Conference. At present the only provision made for the interval between the quadrennial meetings of the Imperial Conference is that of subsidiary Conferences *ad hoc* by agreement between the Governments. The Defence Conference of 1909 and the Copyright Conference of 1910 were subsidiary Conferences of this kind.

The nucleus of the Committee would consist of the four High Commissioners, and with them would sit the Under-Secretaries of State in the Dominions Department (the head of the Dominions Department and the Secretary to the Conference) and also any superior official of the Department of the Home Government affected by the subject under discussion. The chair might be occupied by the Secretary of State or the Parliamentary Under-Secretary of State. The number of meetings and detailed arrangements could be left for settlement later.

The composition of the Committee would in that case be similar to what may be expected to be the composition of subsidiary Conferences as a rule.

The composition of the membership of the two subsidiary Conferences which have hitherto taken place has not been quite uniform.

At the Defence Conference of 1909 only Ministers were members, but this was a very special occasion. At the Copyright Conference of 1910 Mr. Buxton presided, and Mr. Fisher, a Minister, represented Canada, but New Zealand and South Africa were represented

by their High Commissioners, and Australia by an ex-Governor-General. Newfoundland was represented by her Prime Minister, who happened to be in Europe on other business as well. There also sat at the table and took part three permanent officials of the Board of Trade, a member of the Council of India, and the Secretary of the Imperial Conference. This subsidiary Conference may be taken to illustrate the usual composition of such Conferences.

9. The business which would be transacted by the proposed Standing Committee has hitherto formed the subject of correspondence with the Dominion Governments through the Governor-General and Governors, and such correspondence must continue. Since, if His Majesty's Representatives in the Dominions are not kept fully informed their position is gravely impaired, and it will be difficult to secure men of energy and capacity to accept posts which will become largely social.

10. It is above suggested that the operations of the Standing Committee should be strictly limited to such subjects (which either have been before the Conference or are proposed for a future Conference) as may by consent of all Governments, previously obtained (an essential condition), be agreed on as subjects for the Standing Committee.

There is here a practical difficulty. It is difficult to state definitely in the work of the Dominions Department what is, and what is not, a Conference subject, and subjects are constantly becoming Conference subjects and ceasing to become so as action is completed or further progress is found to be impossible. For example, the question of uniformity of patent and trademark law is one which must soon cease to be a Conference subject, as the Governments of several Dominions do not desire further discussion, but wish to proceed on lines already laid down. On the other hand, the Declaration of London being a matter of international politics was regarded for two years as not a Conference subject, but suddenly became one when the Australian Commonwealth cabled a resolution as to it for the next Imperial Conference.

If the Standing Committee is established there is a serious danger that Dominions which may have "advanced" views will put on pressure to extend the scope of the Committee into regions

which at present must remain the province of His Majesty's Government.

11. Assuming, however, that the Standing Committee can be kept strictly to Conference matters, it is to be noted that there is no certainty that its establishment will be agreed to by all Dominions at the Conference.

It is in principle much the same as the Permanent Commission proposed by Mr. Lyttelton in 1905, which did not meet with the approval of the Canadian Government, on the ground that it might conceivably interfere with the working of responsible Government, nor was the idea pressed by Mr. Deakin.

12. A further point to be noted is that when the Prime Ministers are here they are able to speak with full authority, which would not be possessed by the High Commissioners, who, unless specially authorised can only speak subject to reference to their Governments. It is accordingly doubtful if much saving of time will result in practice; the speed will be, as it always has been, the speed of the slowest member. Further, the High Commissioners themselves will, in any case, speak with varying degrees of authority, according as they are more or less in the confidence of their Governments, and the tendency arising from a common discussion by High Commissioners will be to exercise a driving power upon one or other of their Governments which may be irksome. The general effect of the scheme will be to transfer the venue to London instead of leaving it at the capital of each Dominion, and to substitute discussion with authorised representatives for written statements from the Governments themselves. Such written statements are at present received through the Governor-General, who is the servant of His Majesty's Government and in direct personal communication with the Dominion Governments, and who can contribute materially to reconciling the views of His Majesty's Government and of the supreme authority in the Dominion. For it must be remembered that the High Commissioner, however much he may be trusted by his Government in particular cases, is in status a highly placed permanent official, and not a Cabinet Minister.

13. The result of the Standing Committee, if established, will in practice be to enlarge the functions of the Secretariat.

The Secretariat, which is linked with the Dominions Department, would remain as before under the direction of the Secretary of State for the Colonies.

The status of the Secretary would naturally be increased by the appointment of a Standing Committee. It must be assumed that the proposal of Sir Joseph Ward for the incorporation of the staff of the Secretariat in the Dominions Department does not indicate a proposal for the abolition of the office of the Secretary.

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36

36

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Dominions
No. 36.

CONFIDENTIAL.

IMPERIAL CONFERENCE, 1911.

STATEMENT

SHOWING

PROPOSED ACTION OF HIS MAJESTY'S GOVERNMENT

ON THE

RESOLUTIONS SUBMITTED BY THE
DOMINIONS GOVERNMENTS.

IMPERIAL CONFERENCE, 1911.

STATEMENT SHOWING PROPOSED ACTION OF HIS MAJESTY'S GOVERNMENT ON THE RESOLUTIONS SUBMITTED BY THE DOMINIONS GOVERNMENTS.

Resolution.

Comments and proposed action of His Majesty's Government.

NEW ZEALAND.

1. Publication of Proceedings.

That the Conference be open to the press except when the subjects are confidential.

This is a matter which it is proposed to leave to be settled by the Conference at its first meeting. In 1907 it was arranged at the beginning of the Conference that a précis of the proceedings should be issued daily to the press, after revision by members of the part which concerned them, and the full text of the proceedings and the papers laid before the Conference were published later on, except in so far as they were held to be confidential.

2. Imperial representation of oversea Dominions with a view to furthering Imperial sentiment, solidarity, and interest.

That the Empire has now reached a stage of Imperial development which renders it expedient that there should be an Imperial Council of State, with representatives from all the constituent parts of the Empire, whether self-governing or not, in theory and in fact advisory to the Imperial Government on all questions affecting the interests of His Majesty's Dominions oversea.

3.—(1.) That it is essential that the Department of the Dominions be separated from that of the Crown Colonies, and that each Department be placed under a separate Permanent Under-Secretary.

(2.) That in order to give due effect to modern Imperial development it has now become advisable to change the title of Secretary of State for the Colonies to that of "Secretary of State for Imperial Affairs."

(3.) That the staff of the Secretariat be incorporated with the Dominions Department under the new Under-Secretary and that all questions relating to the self-governing Dominions be referred to that Department: the High Commissioners to be informed of matters affecting the Dominions with a view to their Govern-

[Prime Minister.]
[Secretary of State for the Colonies.]

A memorandum has been circulated to the Cabinet proposing that New Zealand Resolution 2 should be so far acceded to as to agree that a Standing Committee of the Imperial Conference should be formed to advise upon Conference matters referred to them by consent of the Governments concerned in the intervals between Conferences, and that New Zealand Resolution 3 (1) should not be declined, if after full explanation of the circumstances the resolution is still pressed.

The change of title is not appropriate, and is not likely to be pressed.

The relation of the Secretariat to the Dominions Department is practically very much as appears to be desired.

With regard to the position of the High Commissioners as suggested in the last four sub-sections of New Zealand Resolution 3, the proposal of the Standing Committee on which they would act as the

Resolutions.

ments expressing their opinion on the same.

(4.) That the High Commissioners be invited to attend meetings of the Committee of Defence when questions on Naval or Military Imperial defence affecting the oversea Dominions are under discussion.

(5.) That the High Commissioners be invited to consult with the Foreign Minister on matters of foreign industrial, commercial, and social affairs in which the oversea Dominions are interested, and inform their respective Governments.

(6.) That the High Commissioners should become the sole channel of communication between Imperial and Dominion Governments, Governors-General, and Governors on all occasions—being given identical and simultaneous information.

SOUTH AFRICA.

1. That it is desirable that all matters relating to the self-governing Dominions, as well as the permanent Secretariat of the Imperial Conference, be placed directly under the Prime Minister of the United Kingdom.

Interchange of Civil Servants.

NEW ZEALAND.

4. That it is in the interests of the Imperial Government, and also of the Governments of the oversea Dominions, that an interchange of selected officers of the respective Civil Services should take place from time to time, with a view to the acquirement of better knowledge for both services with regard to questions that may arise affecting the respective Governments.

Comments and Proposed Action of His Majesty's Government.

representatives of their Governments, if their Governments so agree, will sufficiently meet the situation so far as 3 (3) [second part] is concerned. 3 (4) is already accepted to the extent that a High Commissioner, if so desired by his Government, would be summoned by the Prime Minister to the Defence Committee on a subject referred to the Committee by his Government. 3 (5) cannot be accepted, if it means that the High Commissioner would enter into direct regular relations with the Secretary of State for Foreign Affairs, as though he were an Ambassador of a foreign Power, ignoring the Secretary of State for the Colonies. If necessary, the Secretary of State for Foreign Affairs to grant an interview to the High Commissioner when that is required. 3 (6), to make the High Commissioner the sole channel of communication between the Imperial and Dominion Governments, would subvert the present position and functions of the Governor-General or Governor. The arrangement could not be accepted by His Majesty's Government, as they must be advised by their own representative and confidential officer, and could not trust exclusively to the representative of the Dominion Government, who is not responsible to them in any way.

The Prime Minister could not accept this duty as his time is already too fully occupied, and the last Conference tacitly acquiesced in this decision. His Majesty's Government are not meeting New Zealand Resolution 3 (1) with a negative.

[Prime Minister.]

[Secretary of State for the Colonies.]

The Board of Trade and the General Post Office agree that a fixed scheme of interchange of officers of the Imperial and the Dominions Services would not be easy to arrange for in view of difficulties as to service, control, pay, pension, &c. The Board of Trade is already represented in the Dominions by Trade Commissioners. The Postmaster-General points out that the loan of Imperial officers for special purposes can usually be arranged, and if civil servants from the Dominions come to this country assistance can be given to them in studying the methods of any special public department.

As regards the Colonial Office, in view of the fact that the business of the Office, in so far as it concerns the Dominions, does

Resolutions.

Comments and Proposed Action of His Majesty's Government.

not deal with local administration but with questions of the relations of the Dominions to this country, it seems impossible to arrange usefully for any formal interchange; but visits have been, and will no doubt continue to be, made by members of the staff to the Dominions from time to time, and two junior members of the Office are acting as Private Secretaries to Governors-General; similarly, the Dominions could send officials to this country for temporary attachment to the Office of the High Commissioners.

[Prime Minister.]

[Secretary of State for War.]

[First Lord of the Admiralty.]

Naval and Military Defence.

AUSTRALIA.

12. Co-operation and mutual relations between the naval and military forces of the United Kingdom and those of the Dominions, and the status of Dominion navies.

With regard to naval and military defence, it may be assumed that it will be found possible to arrange for closer co-operation between the Imperial and the Dominions forces; in particular, it is anticipated that satisfactory arrangements will be arrived at with regard to the status of the new navies in Canada and Australia. The Admiralty have arrived at a satisfactory agreement with Sir George Reid, which has been submitted for the consideration and approval of the Commonwealth Government. A draft proposal for an arrangement on similar lines with the Canadian Government has been taken out to Canada by their representative, Mr. Smith, K.C., who came over to discuss the legal position with the Admiralty. The aim of the Admiralty has been to secure that the Naval Discipline Act should apply to the Dominion fleets and that suitable provision should be made from a legal and practical point of view for the status, co-operation, and control of Dominion ships of war when out of territorial waters.

SOUTH AFRICA.

3. That wherever votes for monetary contributions towards Imperial Naval Defence are made by the overseas Dominions, any naval services rendered or provision for local coastal defence made by such Dominions, with the approval of the Admiralty, be borne on such votes.

This is a question which must be discussed between South Africa and the Admiralty. It is rather a matter of adjustment of accounts than one of defence policy.

Commercial Relations and British Shipping.

AUSTRALIA.

1. Commercial Relations:

That this Conference, recognising the importance of promoting fuller development of commercial intercourse within the

[President of the Board of Trade.]

Sets of Tables have been drawn up by the Board of Trade and circulated to members, giving figures of British and

Resolutions.

Empire, strongly urges that every effort should be made to bring about co-operation in commercial relations and matters of mutual interest.

2. Commercial Relations and British Shipping:

That it is advisable, in the interests both of the United Kingdom and of the British Dominions beyond the Seas that efforts in favour of British manufactured goods and British shipping should be supported as far as is practicable.

Labour Exchanges.

UNITED KINGDOM.

To resolve that the Governments of the various Dominions should consider in concert with the Imperial Government the possibility and the best method of utilising the machinery of the national system of Labour Exchanges established in the United Kingdom by "The Labour Exchanges Act, 1909," in connection with the notification of vacancies for employment and applications of persons for employment as between the Dominions and the United Kingdom.

Enforcement of Arbitration Awards.

UNITED KINGDOM.

That the Imperial Government should consider in concert with the Dominion Governments whether, and to what extent, and under what conditions, it is practicable and desirable to make mutual arrangements with a view to the enforcement in one part of the Empire of Commercial Arbitration Awards given in another part.

NEW ZEALAND.

12 Uniformity of Laws:

That it is in the best interests of the Empire that there should be more uniformity throughout its centres and dependencies in the law of *copyright, patents, trade-marks, companies, accident compensation, naturalisation, immigration, aliens exclusion, currency, and coinage.*

Comments and Proposed Action of His Majesty's Government.

Dominions trade and shipping. Further, Tables bringing up to date figures as to the effect of preference are in preparation by the Board of Trade, but it is not at present proposed to circulate these to the Conference.

The question of preference may be raised upon these two resolutions. Sir W. Laurier may possibly do so in view of what he stated in his Parliament during the present session.

[President of the Board of Trade.]

A detailed scheme has been drawn up by the Board of Trade with a view to eliciting the co-operation of the Dominion Governments in securing employment in the self-governing Dominions for persons who apply to the Labour Exchanges in this country.

[President of the Board of Trade.]

The Board of Trade have prepared a Memorandum explaining the existing conditions as to the enforcement of Arbitration Awards.

[President of the Board of Trade.]

Uniformity in Copyright.

There is no definite proposal for action by His Majesty's Government in this regard. The general principle of uniformity has been accepted, and the Imperial Act will probably be in its final form before the Conference terminates, and any explanations with regard to the changes made in the Act since the Copyright Conference of 1910 will be made to the Ministers.

Uniformity in Patent and Trade-Marks Law.

A Memorandum has been prepared by the Board of Trade in which they point

Resolutions.

Comments and Proposed Action of His Majesty's Government.

out in what respect alterations of the Dominions' laws on the subject are desirable, if uniformity is to be accepted. Canada has definitely stated that it is not prepared to alter its law for the sake of uniformity.

Uniformity of Company Law.

A Memorandum on this subject has been prepared by the Board of Trade, pointing out in what respects the Company Laws of the Dominions require amendment to conform with the British model which is recommended for adoption.

Weights and Measures.

AUSTRALIA.

10. Coinage and Measures:

That with a view to facilitating trade and commerce throughout the Empire the question of the advisableness of recommending a reform of the present units of weights, measures, and coins ought to engage the earnest attention of this Conference.

International Exhibitions.

UNITED KINGDOM.

That, in view of the International Conference to be held at Berlin in 1912 with a view to the regulation of the conditions under which International Exhibitions should receive support, it is desirable that the Imperial and Dominion Governments shall consider the matter in conjunction, so as to arrange if practicable for concerted action upon this subject.

Double Income Tax.

NEW ZEALAND.

15. Income Tax:

That it is inequitable that persons resident in the United Kingdom who, under the laws of a self-governing dependency, pay an income or other tax to the Government of such dependency in respect of income or profits derived from the dependency, should have to pay a further tax in respect of the same income or profits to the United Kingdom; and therefore it is most desirable that Imperial legislation should be introduced to remove the disability.

[President of the Board of Trade.]

The Board of Trade adhere to the attitude which they took up in 1907, which is to the effect that it would be impossible for many years to enforce the universal adoption of the metric system in the United Kingdom, and partial enforcement would be attended with greater inconvenience and hardship than the ultimate advantages of the change can be held to justify.

[President of the Board of Trade.]

A Memorandum has been prepared by the Board of Trade, in which certain suggestions are made to secure co-operation in regard to representation of the United Kingdom and Dominions at international exhibitions.

[Chancellor of the Exchequer.]

The Treasury are unable to see their way to alter the Imperial law on this question, and to face the heavy loss which would be involved by such action.

It appears to them not to be inequitable that a citizen of two countries should be amenable to the taxation of both Governments, whose protection he enjoys. The fiscal arrangements of the various parts of the Empire have hitherto been made on the assumption that they are distinct and

Resolutions.

Comments and Proposed Action of His Majesty's Government.

SOUTH AFRICA.

6. That it is desirable that an understanding be arrived at between the Imperial and the Colonial Governments whereby the Imperial Exchequer, in claiming payment of income tax and death duties, should allow a deduction for payments fairly claimed for these purposes in the Colonies.

Double Estate Duty.

SOUTH AFRICA.

6. That it is desirable that an understanding be arrived at between the Imperial and the Colonial Governments whereby the Imperial Exchequer in claiming payment of income tax and death duties should allow a deduction for payments fairly claimed for these purposes in the Colonies.

independent units for fiscal purposes. In some Dominions there is no income tax, and the relief, if granted, would therefore be unequal in its distribution. The Treasury point out that the law of the United Kingdom has been in force for seventy years, and the liability to double taxation has therefore been the creation of Colonial statutes.

[Chancellor of the Exchequer.]

The difficulty in this regard arises in the main from the fact that the law in the Union of South Africa treats as property situated in the Union all shares of companies which carry on business in the Union, although according to the accepted doctrine of private international law the shares may be deemed to be situated in Great Britain. If the shares are situated, in the eyes of the Treasury, in Great Britain, then section 20 of the "Finance Act of 1894" (under which the Commissioners shall allow a sum equal to the amount of the duty paid in a British possession in respect of property situated in such possession to be deducted from the Estate Duty payable in the United Kingdom in respect of that property on the same death) cannot be applied to the Colony, because the section is only applicable if either no duty is levied in the Colony in respect of property situated in the United Kingdom, or if an allowance equal to the British duty is made from the duty levied in the Colony (the British duty is higher; so that *de facto* no duty could be levied).

The position of the Treasury is, therefore, that the existing arrangements are satisfactory, and that the proper action is for the Union of South Africa to accept the established doctrine of private international law, and to legislate accordingly.

Stamp Duty and Colonial Bonds.

NEW ZEALAND.

16. Stamp duty on Colonial bonds:

That in order to encourage investment in the bonds of oversea Dominions it is desirable that debentures or other securities issued in the United Kingdom by, or on account of, the Governments of the self-governing dependencies should be exempted from stamp duty.

The Treasury are not prepared to exempt from stamp duty securities issued in the United Kingdom by the Governments of the Dominions. To exempt these securities from stamp duty would not be to grant relief to investors or to encourage investment in Colonial stocks, but would merely be to relieve the Dominions Governments of certain expenditure at the expense of the Imperial Exchequer.

[Chancellor of the Exchequer.]

Resolutions.

Comments and Proposed Action of His Majesty's Government.

Uniformity in Law of Currency and Coinage.

AUSTRALIA.

10. Coinage and Measures:

That with a view to facilitating trade and commerce throughout the Empire the question of the advisableness of recommending a reform of the present units of weights, measures, and coins ought to engage the earnest attention of this Conference.

NEW ZEALAND.

12. Uniformity of Laws:

That it is in the best interests of the Empire that there should be more uniformity throughout its centres and dependencies in the law of copyright, patents, trade marks, companies, accident compensation, naturalisation, immigration, aliens exclusion, currency, and coinage.

Emigration.

AUSTRALIA.

7. That the Resolution of the Conference of 1907, which was in the following terms, be reaffirmed:—

"That it is desirable to encourage British emigrants to proceed to British Colonies rather than foreign countries";

"That the Imperial Government be requested to co-operate with any Colonies desiring immigrants in assisting suitable persons to emigrate";

That the Secretary of State for the Colonies be requested to nominate representatives of the Dominions to the Committee of the Emigrants' Information Office.

[Chancellor of the Exchequer.]

The Treasury are not prepared to recommend the adoption of the metric system in this country. On the other hand, they are prepared to apply to New Zealand the system which has been accepted in the case of the Commonwealth, that the profit on silver coined for a Dominion should be enjoyed by that Dominion.

[President of the Local Government Board.]

It may be noted that the Imperial Government are prepared to take one important step towards helping emigration, namely, in the proposal brought forward by themselves under which the Labour Exchanges are prepared to co-operate with the Dominions Governments in filling vacancies for workers in the self-governing Dominions.

Lord Lucas in the House of Lords on the 1st May in a discussion on this subject pointed out that the tide of emigration was turning more strongly every day towards the Dominions, and that it would be difficult to devise means to increase the present tendency. He said that, if proposals for further co-operation with the Dominions were made at the Conference, the Government would do everything they could to meet the wishes of the Colonial Representatives. It is not proposed to agree to nominate Representatives of the Dominions to the Committee of the Emigrants' Information Office on the ground that the Committee is intended to take up a neutral position and to give information, not to advise emigrants to embark for a particular country. The appointment of Dominions Representatives to the Committee would tend to place both sides in a false position. The Committee would cease to be dispassionate in its advice, and the Representatives of the Dominions would be competing with each other, and urging the claims and interests each of his own Dominion. It may, however, be possible (if we are pressed) to set

Resolutions.

Comments and Proposed Action of His Majesty's Government.

Reciprocity in Law as to Destitute Persons.

NEW ZEALAND.

14. Reciprocity Destitute Persons Law:

That in order to relieve both wives and children and the poor relief burdens of the United Kingdom and her Dependencies, reciprocal provisions should be made throughout the constituent parts of the Empire with respect to destitute and deserted persons.

Imperial Court of Appeal.

AUSTRALIA.

11. Imperial Appeal Court:

That it is desirable that the judicial functions in regard to the Dominions now exercised by the Judicial Committee of the Privy Council should be vested in an Imperial Appeal Court, which should also be the final Court of Appeal for Great Britain and Ireland.

NEW ZEALAND.

11. Imperial Court of Appeal:

That it has now become evident, considering the growth of population, the diversity of laws enacted, and the differing public policies affecting legal interpretation in His Majesty's overseas Dominions, that no Imperial Court of Appeal can be satisfactory which does not include Judicial Representatives of these overseas Dominions.

Law of Conspiracy.

AUSTRALIA.

8. That the Members of this Conference recommend to their respective Governments the desirableness of submitting measures to Parliament for the prevention of acts of conspiracy to defeat or evade the laws of any other part of the Empire; that the Imperial Government make similar representations to the Governments of India and the Crown Colonies.

up an Advisory Committee on Emigration generally on which the High Commissioners may serve.

[President of the Local Government Board.]

On this subject the Government Departments are not fully agreed. The English Local Government Board does not seem anxious to take any action on the matter on ground of the difficulty and expense of any substantial reciprocity. The Local Government Board for Ireland agrees with the English Local Government Board. The Board of Trade, as regards seamen, are doubtful whether any steps can usefully be taken. On the other hand, the Scottish Local Government Board is anxious for reciprocity, and prepared to recommend legislation for the purpose.

[The Lord Chancellor.]

The Lord Chancellor is of opinion that no change in the constitution of the House of Lords for the purpose of hearing appeals from the Courts of the United Kingdom is possible or desirable, and it will not therefore be possible to accept the Australian Resolution, which assumes the appointment of Judicial Representatives of the Dominions to the Imperial Appeal Court.

It must be left to the New Zealand Ministers to explain what steps should be taken to make effective the representation of judges from the Dominions on the Privy Council so that the Judicial Committee as a final Court of Appeal for the Dominions may increase in popularity in those Dominions.

[The Lord Chancellor.]

It does not appear to be possible that His Majesty's Government should undertake to legislate to make every conspiracy to evade a law of a Dominion regarding trade matters criminal in this country. It is understood, however, that the main object of the Resolution proposed by the Commonwealth of Australia is to secure the co-operation of the Governments of Hong Kong and Singapore in combating the illegitimate entry of Chinese into Australia, and the Government of Hong

Resolutions.

Comments and Proposed Action of His Majesty's Government.

Kong is prepared to make a conspiracy for this purpose in Hong Kong a criminal offence, if, indeed, it is not already criminal, and the Government of the Straits Settlements, while it cannot, for political reasons, legislate directly, is ready to increase the penalties against stowaways. Moreover, His Majesty's Government can offer to consider carefully any individual case in which legislation in this country may be asked for by the Government of the Commonwealth.

[Secretary of State for Home Department.]

Naturalisation.

AUSTRALIA.

5. That this Conference is in favour of the creation of a system which, while not limiting the right of a Dominion to legislate with regard to local naturalisation, will permit the issue to persons fulfilling prescribed conditions of certificates of naturalisation effective throughout the Empire, and refers to a subsidiary Conference the question of the best means to attain this end.

NEW ZEALAND.

12. Uniformity of Laws:

That it is in the best interests of the Empire that there should be more uniformity throughout its centres and dependencies in the law of copyright, patents, trade-marks, companies, accident compensation, naturalisation, immigration, aliens exclusion, currency, and coinage.

SOUTH AFRICA.

5. That it is desirable to review the principles underlying the draft Bill for Imperial naturalisation before its details are discussed further.

Uniformity in Law as to Accident Compensation.

NEW ZEALAND.

12. Uniformity of Laws:

That it is in the best interests of the Empire that there should be more uniformity throughout its centres and dependencies in the law of copyright, patents, trade-marks, companies, accident compensation, naturalisation, immigration, aliens exclusion, currency, and coinage.

Difficulty as to the adoption of a uniform system of naturalisation by Imperial legislation has arisen through the objections taken by the Government of the Union of South Africa to Imperial legislation on this subject. Moreover, in their opinion the naturalisation of coloured aliens by an Imperial authority would create grave difficulties in South Africa. But the two main objections of the Union Government do not seem to be in any way insurmountable. Provision could be made that the Imperial legislation should not apply without the consent of the Dominion Parliament. If it were left to the Dominion Government and Governor-General to grant the Imperial certificate by way of endorsement of the local certificate, when the applicant had fulfilled the qualifications for the Imperial certificate, the difficulty apprehended with regard to the naturalisation by Imperial authority of coloured aliens who may fail to qualify locally would not really arise in the Dominions, and the Bill is to be amended in a way which will safeguard this point in the United Kingdom. It may be hoped that a serious effort will be made by all the Governments to carry through the proposal for the grant of Imperial naturalisation in the Dominions; the inconvenience of the present state of things has too long been waiting for a remedy.

[Secretary of State for Home Department.]

A Memorandum has been prepared by the Home Office in which that Department expresses its concurrence in the principle that each State should adopt legislation based on the same general principles, and, indeed, the principles of the Imperial Workmen's Compensation Act, 1906,

Resolutions.

Comments and Proposed Action of His Majesty's Government.

Uniformity in Immigration Law.

Uniformity in Aliens Exclusion Law.

NEW ZEALAND.

12. Uniformity of Laws:

That it is in the best interests of the Empire that there should be more uniformity throughout its centres and dependencies in the law of copyright, patents, trade-marks, companies, accident compensation, naturalisation, immigration, aliens exclusion, currency, and coinage.

Expulsion of Undesirable Aliens.

UNITED KINGDOM.

"That, where aliens are deported under the law of any Dominion to a port of the United Kingdom, it is desirable that some system should be devised whereby the Dominion may effectually co-operate in the measures necessary in the United Kingdom for the final disposal of such aliens."

Cheapening of Cable Rates.

NEW ZEALAND.

8. That in view of the social and commercial advantages which would result from increased facilities for intercommunication between her dependencies and Great Britain, it is desirable that all possible means be taken to secure a reduction in cable rates throughout the Empire.

have been widely adopted already in the Dominions. Definite suggestions are made on three points, namely, the treatment of seamen, reciprocity in the treatment of dependants residing outside the country in which the accident occurs, and the collection of statistics.

[Secretary of State for Home Department.]

A Memorandum has been prepared by the Home Office in which the difficulties are pointed out of adopting any uniform principle for the exclusion of aliens, as the economic and other conditions which render exclusion desirable or necessary differ very much in each case. On the other hand, His Majesty's Government will make a definite proposal inviting the co-operation of the Dominions in securing that aliens deported from the Dominions shall not land in the United Kingdom, and it is expected that the co-operation of the Dominions will be readily secured.

[Postmaster-General.]

The General Post Office are not prepared to recommend the acquisition of cables by the State, or competition by State-owned cables, or subsidies to new Cable Companies for the sake of competition, especially in view of the future possibilities of wireless telegraphy. But the Postmaster-General considers that through the use of the power to refuse landing rights a considerable measure of control can be obtained over Companies' rates. This power, however, applies only when applications for the grant or renewal of landing rights have to be made. In the meantime, the Postmaster-General has taken steps which will shortly, it is hoped, be brought to completion for the introduction of a reduced rate for telegrams in plain language, such telegrams to be liable, if necessary, to be deferred in transmission. This scheme should meet the legitimate needs of the ordinary public, while in the

Resolutions.

Comments and Proposed Action of His Majesty's Government.

State-owned Atlantic Cable.

AUSTRALIA.

9. Nationalisation of the Atlantic Cable:

That this Conference strongly recommends the nationalisation of the Atlantic Cable in order to cheapen and render more effective telegraphic communication between Great Britain, Canada, Australia, and New Zealand by thus acquiring complete control of all the telegraphic and cable lines along the "all red route."

NEW ZEALAND.

6. State-owned Atlantic Cable:

That in order to secure a measure of unity in the cable and telegraph services within the Empire, the scheme of telegraph cables be extended by the laying of a State-owned cable between England and Canada, and that the powers of the Pacific Cable Board be extended to enable the Board to lay and control such cable.

State-owned Telegraph Line across Canada.

NEW ZEALAND.

7. That in order to facilitate the handling of the traffic, and to secure entire control over the route in which it is engaged, the powers of the Pacific Cable Board be extended to enable the Board to erect a land-line across Canada.

case of those persons who make use of codes the rates are already reasonable. Moreover, the Postmaster-General will, as soon as he finds it possible to do so, bring pressure to bear upon the Companies with a view to obtaining further concessions in the rates for press telegrams.

[Postmaster-General.]

The Postmaster-General is not prepared to support this proposal, on the ground that the traffic which passes over the Atlantic to or from the Pacific Cable is not sufficient to render it possible to work the cable otherwise than at a loss, and existing conditions prevent this traffic being supplemented by competition for Canada or United States business, while the possible development of wireless telegraphy would render the ownership of a transatlantic cable a very speculative undertaking. Moreover, while the service at present is efficient, greater cheapness, which is certainly desirable, will, it is hoped, be obtained by the reduction in the cost of deferred telegrams and by further concessions as regards press telegrams, and eventually by obtaining through the means of landing licences control over cable rates. The Postmaster-General suggests that, if it would be to the advantage of the Pacific Cable Board to have direct control over a wire across the Atlantic, it might be possible to secure the partial use of one of the existing cables for this traffic by arrangement with a private Company.

[Postmaster-General.]

The Postmaster-General understands that the arrangement under which the Pacific Cable Board have leased a line between Montreal and the Pacific coast has enabled them to effect a marked improvement in working, and he suggests that if the working of the companies which provide communication between Montreal and the Atlantic coast is unsatisfactory, a private wire over that section might similarly be leased. The provision of a State-owned line across Canada would necessitate a heavy outlay, and in the absence of a working arrangement with one or other of the Companies which control the land-line in Canada, reliance on a single line would expose the service to the risk of dislocation in the case of interruption.

Resolutions.

State-owned British Wireless Telegraphy.

NEW ZEALAND.

9. *Development of Telegraphic Communications within the Empire:*

That the great importance of wireless telegraphy for social, commercial, and defensive purposes renders it desirable that the scheme of wireless telegraphy approved at the Conference held at Melbourne in December 1909, be extended, as far as practicable, throughout the Empire, with the ultimate object of establishing a chain of British State-owned wireless stations, which, in emergency, would enable the Empire to be to a great extent independent of submarine cables.

Universal Penny Postage.

NEW ZEALAND.

5. That in view of the social, political, and commercial advantages to accrue from a system of international penny postage, this Conference recommends to His Majesty's Government the advisability of approaching the Governments of other States known to be favourable to the scheme, with a view to united action being taken at the next meeting of the Congress of the Universal Postal Union.

Imperial Postal Order Scheme.

UNITED KINGDOM.

That it is desirable to complete the Imperial Postal Order scheme by its extension to Australia and its full adoption by Canada, so that the British Postal Order shall be obtainable and payable in all parts of the Empire, and thus afford a ready and economical means of remitting small sums, not only between the United Kingdom and other parts of the Empire, but between each part and every other.

Declaration of London.

AUSTRALIA.

6. That it is regretted that the Dominions were not consulted prior to the acceptance by the British delegates of the terms of the Declaration of London; that it is not

Comments and Proposed Action of His Majesty's Government.

[Postmaster-General.]

No decision has yet been come to, the matter being under the consideration of the Cables Committee, which meets about the 10th May.

[Postmaster-General.]

The Postmaster-General fears that it would be impossible to accept this principle in view of the heavy loss of revenue which would follow. The initial loss of revenue if the penny post were extended to letters for all countries not already included in the system would be about 450,000*l.* a-year. Foreign postage administrations would similarly have to incur a very considerable loss, and there is no real prospect of the general adoption of this scheme. In 1906, when the proposal was made at Rome by Sir Joseph Ward, only the United States and Egypt were prepared to favour the idea.

[Postmaster-General.]

The General Post Office has prepared a Memorandum pointing out that the extension of this system to Australia, and its full adoption by Canada, would be a great advantage to all persons having remittances to make.

[Secretary of State for Foreign Affairs.]

A Memorandum prepared by Lord Desart has been circulated to the Prime Ministers, which explains very clearly the grounds on which the Imperial Government are anxious

Resolutions.

desirable that Great Britain should adopt the inclusion in article 24 of food-stuffs, in view of the fact that so large a part of the trade of the Empire is in those articles; that it is not desirable that Great Britain should adopt the provisions of articles 48-54, permitting the destruction of neutral vessels.

Position of British Indians in the Dominions.

No resolution has been tabled.

Merchant Shipping and Navigation Laws.

AUSTRALIA.

3. *Navigation Law:*

That it is desirable that the attention of the Governments of the United Kingdom and of the Colonies should be called to the present state of the navigation laws in the Empire and in other countries, with a view to secure uniformity of treatment to British shipping; to prevent unfair competition with British ships by foreign subsidised ships; to secure to British ships equal trading advantages with foreign ships; to secure the employment of British seamen on British ships; and to raise the status and improve the conditions of seamen employed on such ships.

NEW ZEALAND.

13. *Shipping:*

That the self-governing oversea Dominions have now reached a stage of development when they should be entrusted with wider legislative powers in respect to British and foreign shipping.

Comments and Proposed Action of His Majesty's Government.

to obtain the concurrence of the Dominions Governments to the ratification of the Declaration of London.

[Prime Minister.]
[Secretary of State for India.]

It is presumed that the discussion of this question will be closely united with the discussion of the next following subject (the employment of lascars as seamen in Australasia), as that is the chief question now being raised. The object of the discussion is to impress upon the Prime Ministers the importance of endeavouring to avoid arousing the susceptibilities of our Indian fellow-subjects and of Asiatics generally by the form in which legislation is couched. The Government of India may reasonably expect the assistance of the Dominion Governments in this matter.

[President of the Board of Trade.]

The Commonwealth Government has not stated in detail the precise object it has in view in raising the various points in the resolution it has tabled. But it is understood that it desires to make the same arrangements as are referred to below under the New Zealand resolution. The last two points have a direct bearing upon the wish of Australia and New Zealand to exclude lascars from employment on ships trading in Australasian waters.

It is understood that New Zealand desires to obtain powers of dealing with merchant shipping which would enable New Zealand and Australia to control in all respects all vessels trading between Australia and New Zealand. Incidentally if this power were conceded it would enable those Dominions to exclude lascars from vessels trading between the two Dominions, since lascars could not be carried if the Steamship Companies were compelled to pay them the same wages and give them the same accommodation as they accord to white crews.

It is proposed to concede to New Zealand power to control all ships which have their headquarters in New Zealand and make round voyages thence to Australia, the

Resolutions.

Comments and Proposed Action of His Majesty's Government.

Pacific Islands, or India, &c. Australia has already a similar power under the Constitution Act of 1900, but it is not proposed to consent that Australia or New Zealand or both should regulate ships which have not their headquarters in either Dominion, but which trade between New Zealand and Australia after coming to Australia or New Zealand from over Seas, *e.g.*, the Peninsular and Oriental steamships which trade from England to Australia and New Zealand.

All-Red Route.

NEW ZEALAND.

10. *All-Red Mail Route between England, Australia, and New Zealand, via Canada:*

That in the interests of the Empire it is desirable that Great Britain should be connected with Canada, and, through Canada, with Australia and New Zealand, by the best mail service available.

That, for the purpose of carrying the above desideratum into effect, a mail service be established on the Pacific between Vancouver, Fiji, Auckland, and Sydney by first class steamers of not less than 10,000 tons, and capable of performing the voyage at an average speed of 16 knots. That in addition to this a fast service be established between Canada and Great Britain, the necessary financial support required for both purposes to be contributed by Great Britain, Canada, Australia, and New Zealand in equitable proportions.

NEWFOUNDLAND.

Resolved: That it is the opinion of this Conference that the most certain means of developing trade within the Empire is by connecting the various parts of the Empire by rapid mail communication, travel, and transportation.

That the needs of the North American portion of the British Empire can best be served by connecting Great Britain and Canada, via Newfoundland, by the best service available within reasonable cost.

That for the purpose of establishing a line of steamers to this end, the Governments of Great Britain, Canada, and Newfoundland should contribute an annual subsidy based on, in proportion to, and having regard to, the population, wealth, trade, and interests of their respective countries.

[President of the Board of Trade.]
[Postmaster-General and Treasury.]

The Newfoundland Resolution deals only with the Atlantic service. The small contribution which would be made by the Colony on the basis proposed, not more than $\frac{1}{30}$ th of the contribution of the United Kingdom, would not justify the journey being lengthened by six or eight hours to enable a call to be made at St. John's, Newfoundland, on the way to Halifax or Quebec. If the Newfoundland Government intend to put forward the project, referred to by Sir R. Bond in 1907, of a steamer service between the United Kingdom and Newfoundland, a railway service across the island, and another steamer service between Newfoundland and Canada, the Post Office do not consider the scheme a practicable one. The main advantage claimed is that it would involve the shortest possible sea journey, but the route would be available at most for eight months in the year, and would involve double transshipment of passengers at Newfoundland.

The New Zealand Resolution desires a fast Atlantic service and a service across the Pacific of 16 knots. In 1907 Sir W. Laurier proposed 18 knots across the Pacific and Sir Joseph Ward wanted 21. With a 21-knot service across the Atlantic the time occupied in reaching Auckland would be 27 days, against 33½ days now taken by way of Suez. The question for the Imperial Government narrows itself down to the amount which can properly be paid to assist Canada in obtaining an Atlantic service faster than that which commercial competition will supply, and to assist New Zealand in her desire to maintain a regular mail service via Canada.

As regards the Atlantic service, no weekly service can be exclusively used for postal purposes, and the installation of a

Resolutions.

Comments and Proposed Action of His Majesty's Government.

quicker service would not justify a heavy contribution to the cost of that service. As regards the Vancouver-Auckland-Sydney route, the proposed service would not accelerate the mails to Australia, and payments for it would be additional to those now made to the P. and O. Steam Navigation Company, and to the Orient Steam Navigation Company. These contracts run on till 1915 and 1920 respectively, and probably before 1915 the whole situation may have been altered by the opening of the Panama Canal.

Since the New Zealand Resolution was circulated, a regular steamship service between that country and Canada has been arranged.

A Memorandum has been prepared and circulated stating what action has been taken since 1907 with reference to the Resolution of that Conference, and showing that a service of 24 knots across the Atlantic, which Sir W. Laurier desired, would not have been available within reasonable cost, as stipulated by the Resolution. The cost would have been altogether out of proportion to the increased speed, and the steamship services to Canada are being accelerated as it is, irrespective of mail subsidies. The estimated cost of the Pacific Service appeared to be prohibitive.

Concerted Action for Promotion of Trade and Postal Communication and to discourage Shipping Conferences.

SOUTH AFRICA.

2. That concerted action be taken by all the Governments of the Empire to promote better trade and postal communications between Great Britain and the overseas Dominions and, in particular, to discourage Shipping Conferences or combines for the control of freight rates between the various portions of the Empire.

[President of the Board of Trade.]

The Union Government have not indicated in what way they would suggest that concerted action should be taken by the various Governments. Their main object is to curb Conferences. The Board of Trade have prepared a Memorandum in which it is pointed out that the system of Conferences was, on the whole, held by the Royal Commission on Shipping Rings, which reported in 1909, to provide certain advantages (regular sailings, uniform service, fixed rates, uniform charges for all shippers) that the remedy for the grievances of shippers would best be found in the formation of a strong union of shippers to settle differences with the ship-owners, whilst, in addition, the Commission recommended that the Board of Trade should be empowered by legislation to secure conciliation and arbitration in regard to disputed points, and should be provided with the information necessary to enable them to be cognisant of the operations of

Resolutions

Comments and Proposed Action of His Majesty's Government.

Shipping Conferences. No action has been taken by the Board of Trade with a view to legislation on these lines, and no definite decision has as yet been come to by that Department on the matter.

It is expected that the Minister for Posts and Telegraphs for the Union of South Africa will be ready to agree to discuss with the Union Castle Company and the other shipowners connected with the South African trade some arrangement of their present differences. Mr. Buxton is prepared to assist in the negotiations, if the two parties would wish him to do so.

It is for the Board of Trade to say whether they are prepared to consider the question of initiating any such legislation as was proposed by the Commission of 1909.

CO 886/5A/4

37

37

Dominions

No. 39.

CONFIDENTIAL.

FURTHER CORRESPONDENCE

[May, 1911, to June, 1912.]

RELATING TO THE

IMPERIAL CONFERENCE.

(In continuation of Dominions No. 19 ; continued by Dominions No. 45.)

TABLE OF CONTENTS.

The Correspondence in this volume is arranged in the following order:—

Correspondence arising out of the Resolutions of the Imperial Conference, 1911 (pages 1-293);
Correspondence upon matters discussed at the Conference, but as to which no resolution resulted (pages 295-304); and
Correspondence upon matters not directly dealt with at the last Conference, but dealt with at previous Conferences, according to the order given below.

No.	Title of Section.	Page.
1	Agenda and Proceedings of the Imperial Conference, 1911	1
2	(Resolution I): Consultation of Dominions as to International Agreements affecting them	7
3	(Resolution III): British Shipping	11
4	(Resolution IV): Uniformity in Law of Copyright, Patents, Trade Marks, and Companies	13
5	(Resolution V): International Exhibitions	19
6	(Resolution VI): Visits of Civil Servants	23
7	(Resolution VII): Emigration	25
8	(Resolution VIII): Provision for deserted wives and children	39
9	(Resolution IX): Court of Appeal	51
10	(Resolution X): Naturalization	63
11	(Resolution XI): Uniformity in Law of Accident Compensation	73
12	(Resolution XII): Deportation of Aliens	93
13	(Resolution XIII): Birthday of His Majesty the King	97
14	(Resolutions XIV and XV): Cheaper Cable Rates; State-owned Atlantic Cable (Pacific Cable between Australia and New Zealand)	105
15	(Resolution XVI): State-owned wireless telegraph stations	119
16	(Resolutions XVII and XVIII): Universal Penny Postage; Imperial Postal Order Scheme	129
17	(Resolution XIX): Commercial Treaties— (a) Withdrawal of the Dominions from certain Treaties (b) Conclusion of Commercial Agreements by the Dominions (c) Separate voting of the Dominions at International Conferences	135 218 228
18	(Resolution XX): Royal Commission as to Natural Resources and Improvement of Trade of the Empire	233
19	(Resolutions XXI and XXII): Mail Communication; Trade and Postal Communication and Shipping Conferences or Combines	279
20	(Resolution XXIV): Uniformity of Law as to Alien Immigration Exclusion	285
21	(Resolution XXV): Mutual enforcement of Judgments and Orders of Courts of Justice, including Judgments and Orders as to Commercial Arbitration Awards	287
22	(Resolution XXVI): Suez Canal Dues	293
23	The Question of Asiatics in the Dominions	295
24	The Law of Conspiracy	299
25	Death Duties	303
26	Imperial Education Conference of 1911	305
27	Marriage Facilities	309
28	Radiotelegraphic Convention	315
29	Reciprocity in the Admission of Surveyors to Practise	317

AGENDA AND PROCEEDINGS OF THE IMPERIAL CONFERENCE.

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1911.		
1	To the Governor-General.	Canada, Confidential, (2).	May 4	Transmits copies of sets of tables with regard to inter-imperial trade and navigation.	1
2	Board of Trade ...	Confidential.	May 18	Forwards copies of a Memorandum on Colonial Preferential Tariffs.	1
3	Sir Joseph Ward ...	—	May 18	Forwards copy of a letter from Mr. J. Henniker Heaton enclosing one from Mr. J. D. Love covering a design for an "Empire" stamp, and asks that the matter may be brought before the Imperial Conference.	2
4	To General Post Office.	—	May 23	Transmits copy of No. 3 and asks for observations.	3
5	General Post Office	—	May 25	States that there is no objection to submitting Mr. Henniker Heaton's and Mr. J. D. Love's letters, &c., to the Imperial Conference.	4
6	To the Governors-General and Governors.	Canada, 576; Australia, 298; Union of South Africa, 327; New Zealand, 238; Newfoundland, 157.	July 14	Transmits copies of the Minutes of the Proceedings of the Imperial Conference.	4
7	To the Governors...	New South Wales, 77; Victoria, 65; Queensland, 60; South Australia, 60; Western Australia, 64; Tasmania, 42.	July 14	Ditto	4
8	To the Governors-General and Governors.	Canada, 598; Australia, 302; Union of South Africa, 338; New Zealand, 243; Newfoundland, 162; New South Wales, 100; Victoria, 69; Queensland, 63; South Australia, 63; Western Australia, 67; Tasmania, 44.	July 21	Transmits copies of papers laid before the Imperial Conference.	5
9	To the Governors-General and Governors.	Canada, 607; Australia, 312; Union of South Africa, 345; New Zealand, 249; Newfoundland, 166.	(July 22, 1911) (July 25, 1911)	Transmits copies of the report of the debate in the House of Commons on the Colonial Office Vote on 20th July.	5

(RESOLUTION I.): CONSULTATION OF DOMINIONS AS TO INTERNATIONAL AGREEMENTS AFFECTING THEM.

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1911.		
10	The Governor-General.	Australia, Telegram.	(Rec. May 8)	Transmits message from Ministers submitting a resolution affirming the desirability of Dominions being informed and consulted in negotiations with foreign Powers as to matters affecting them or the Empire, and recommending the establishment of a Foreign Relations Advisory Committee.	7
11	To Foreign Office...	—	May 9	Transmits, for Sir E. Grey's observations, copy of No. 10.	7
12	Foreign Office ...	Confidential.	May 12	States that the Resolution in No. 10 is couched in such general terms, and raises constitutional questions of so far-reaching a character that, Sir E. Grey can express no opinion until he has considered it with his colleagues, and that it might be desirable to ascertain whether the other Dominions would wish to discuss such a motion.	7
13	To the Governors-General and Governors.	Canada, 700; Australia, 376; Union of South Africa, 452; New Zealand, 295; Newfoundland, 199.	August 18	Transmits copy of the resolution passed by the Imperial Conference respecting the previous consultation of the Dominions as to agreements affecting them.	8
14	To Foreign Office...	—	August 19	Transmits copy of the resolution in No. 13, and assumes that action will be taken to give effect to Sir E. Grey's statements at the Conference.	8
15	Foreign Office ...	—	August 23	States that the assurances given to the Imperial Conference and the resolution of the Conference will be borne in mind.	9

(RESOLUTION III.): BRITISH SHIPPING.

[For other correspondence regarding merchant shipping legislation in the Dominions see Dominions Nos. 18 and 43.]

16	To Board of Trade	—	July 27	Transmits copy of a resolution passed at the Imperial Conference on the subject of British shipping; enquires whether there is any point to which the attention of the Dominion Governments should be called.	11
17	Board of Trade ...	—	August 28	States that the Resolution will be borne in mind, but does not think that there is any particular point in connexion with it to which the attention of the Dominions need at present be called.	11

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1911.		
18	To the Governors-General and Governors.	Canada, 746; Australia, 395; Union of South Africa, 497; New Zealand, 311; Newfoundland, 209.	September 5	Transmits copy of the Resolution on British shipping passed at the Imperial Conference, and states that it will be borne in mind by His Majesty's Government.	12

(RESOLUTION IV.): UNIFORMITY IN THE LAW OF COPYRIGHT, PATENTS, TRADE MARKS, AND COMPANIES.

[For other correspondence as to the law of copyright see Dominions No. 34.]

19	To Board of Trade	—	July 27	Transmits copy of a Resolution passed by the Imperial Conference on the subject of uniformity in the laws of copyright, patents, trade marks, and companies; proposes to send copies to the Dominions and to say that the Imperial Government will bear the resolution in mind.	13
20	Board of Trade ...	—	August 15	Concurs in the terms of the proposed despatch to the Dominions; suggests transmission to the Dominions of the enclosed forms used in the Patent Office, with a view to their adoption of similar forms.	13
21	To the Governors-General and Governors.	Canada, 713; Australia, 378; Union of South Africa, 473; New Zealand, 300; Newfoundland, 202.	August 25	Transmits copy of the Resolution in No. 19; states that His Majesty's Government will bear the resolution in mind and presumes that Ministers will adopt a similar course; encloses copies of forms used in the Patent Office, and suggests that the Dominion Governments should adopt similar forms.	14
22	Ditto ...	Canada, 916; Australia, 499; Union of South Africa, 604; New Zealand, 385; Newfoundland, 260.	November 16	Forwards copies of [Cd. 5864] (Board of Trade Memorandum as to Company Law) [and to Canada only copies of the previous paper, [Cd. 3589]].	14
23	To the Governors...	New South Wales, 162; Victoria, 125; Queensland, 119; South Australia, 104; Western Australia, 106; Tasmania, 85.	November 16	Forwards copies of [Cd. 5864], the Board of Trade Memorandum as to Company Law.	15
24	The Governor-General.	Union of South Africa, 830.	October 30 (Rec. Nov. 18.)	Forwards Minute from Ministers stating, with reference to No. 21, that the Resolution has been referred to a Committee which is preparing a Bill to consolidate and amend the laws in force in the Union on the subjects.	15

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1911.		
25	The Governor-General.	Australia, 207.	November 8 (Rec. Dec. 9.)	States that, so far as the Commonwealth Patents Act permits, the forms in use conform to those in use in Great Britain, and that there is no substantial variation between the Patent Acts of United Kingdom and of Commonwealth.	16
			1912.		
26	The Governor ...	New Zealand, 4.	January 3 (Rec. Feb. 12.)	Transmits copy of Prime Minister's Memorandum stating that the Resolution of the Conference has in some measure been given effect to by the passing of the Patents, Designs, and Trade Marks Act during the Session just concluded, and pointing out that a reduction in the difference in procedure might be effected if the Imperial Patent Office could advise the Patent Office in New Zealand and other countries of its rulings on the various points in the Act and Rules with which it deals.	16
27	To Board of Trade	—	February 20	Transmits copy of No. 26, and enquires what reply should be sent to the suggestion made.	17
28	Board of Trade ...	—	March 5	Suggests, in reply to No. 27, that the New Zealand Government be reminded that the Wellington Patent Office is already furnished with reports of patent cases issued in this country, but that any additional information required will be supplied, on receipt of particulars, by the Board of Trade.	17
29	To the Governor ...	New Zealand, 82.	March 21	Points out, in reply to No. 26, that the New Zealand Patent Office is supplied with copies of reports of patent cases issued in England, in addition to reports of cases in the Courts; but states that any additional information as to the practice of the Patent Office will be supplied.	18
30	To the Governors-General and Governors.	Canada, 200; Australia, 127; Union of South Africa, 142; Newfoundland, 53.	March 21	Transmits copy of a despatch from the Governor of New Zealand on the subject of Act No. 17, of 1911, of the New Zealand Parliament entitled "Patents, Designs, and Trade Marks Act, 1911."	18

5.

(RESOLUTION V.): INTERNATIONAL EXHIBITIONS.

			1911.		
31	To the Governor-General and Governor.	Canada, 313; Newfoundland, 102.	May 4	Transmits copies of a memorandum respecting a resolution with regard to International Exhibitions which His Majesty's Government will propose at the Imperial Conference.	19

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1911.		
32	To Board of Trade	—	August 16	Invites attention to the discussion at the Imperial Conference of the question of International Exhibitions; enquires whether the views of the Dominion Governments should be invited on any special point in the Board of Trade memorandum; or whether it is desired to supplement the memorandum in any respect.	19
33	Board of Trade ...	—	September 8	States that the detailed statement of the Board's views on the subject is now in course of preparation; suggests that when completed it should be considered in conjunction with the High Commissioners and Agents-General in London; and that the Dominion Governments be asked to give the necessary authority to these officials.	19
34	To the Governors-General and Governor.	Canada, Australia, Union of South Africa, New Zealand, Newfoundland, Telegram.	September 15	Informs them that Board of Trade are preparing statement of suggestions on question, and consider that it is desirable that this should be discussed with the High Commissioner; asks that High Commissioner may be asked to discuss matter with Board of Trade accordingly.	20
35	To the Governors of the Australian States.	Telegram	September 15	Ditto	20
36	To Board of Trade	—	October 4	Communicates purport of replies so far received to the proposal that High Commissioners and Agents-General should be authorised to discuss the memorandum.	21
37	To the Agent-General for South Australia.	—	October 11	States that the Board of Trade are preparing a statement of suggestions on the question of International Exhibitions, and that the Governments named have authorised their Agents-General and High Commissioners to discuss the question with that Department.	21
38	To Board of Trade	—	October 11	States that the High Commissioners for Australia and South Africa and the Agent-General for Victoria have been authorised to discuss the question of exhibitions with the Board; presumes the Board will summon a meeting, and asks for the date and place of such meeting.	21
39	Board of Trade ...	—	November 13	Observes that a statement of the Board's views on the subject of International Exhibitions is being prepared, and that it is proposed to discuss it with the High Commissioners and Agents-General individually.	22
			1912.		
40	The Governor-General.	Canada, 283.	May 11 (Rec. May 21.)	Transmits copy of letter from the Department of External Affairs notifying the willingness of the Dominion Government to adopt the suggestion as to discussion of the question with the Board of Trade.	22

(RESOLUTION VI.): VISITS OF CIVIL SERVANTS.

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1911.		
41	To the Governors-General and Governors.	Canada, 614; Australia, 317; Union of South Africa, 349; New Zealand, 253; Newfoundland, 169.	July 26	Transmits copy of a resolution passed at the Imperial Conference, and states that His Majesty's Government will bear the matter in mind and for their own part will gladly afford assistance to officers from the Dominions.	23

(RESOLUTION VII.): EMIGRATION.

42	The High Commissioner for the Commonwealth of Australia.	—	May 15	Reports that the Minister of External Affairs has requested that a meeting of Agents-General may be convened on his arrival to discuss the question of labour exchanges and emigration; asks for eight copies of the confidential memorandum on the subject.	25
43	To Board of Trade	—	May 17	Transmits copy of No. 42 and states that the memoranda asked for have been supplied.	25
44	The Governor-General.	Australia, 65.	April 11 (Rec. May 22.)	States what facilities the Commonwealth and State Governments can offer for the employment of ex-soldiers emigrating from Great Britain.	25
45	Ditto ...	Canada, 361.	June 14 (Rec. June 26.)	Forwards copy of letter from the Department of Militia and Defence asking whether arrangements can be made for the medical examination before embarkation of time-expired men of the regular forces desiring to enlist in the forces of Canada.	26
46	To the Governors-General and Governors.	Canada, 500; Australia, 261; Union of South Africa, 284; New Zealand, 206.	June 27	Transmits copies of despatches from the Dominions.	27
47	Mr. Sydney Buxton, M.P., to Mr. Lewis Harcourt, M.P.	—	July 17	Proposes to instruct Board of Trade officials to discuss with the High Commissioners or Agents-General the question of how far the labour exchanges could be utilised as regards emigration to the Dominions.	27
48	To the Emigrants' Information Office.	—	July 22	States that His Majesty's Government decided that there was not sufficient reason for submitting to the Conference the proposal of the Emigrants' Information Office for the establishment of a Government Emigration Office; draws attention to the discussion of the question at the Conference; and embodies copy of the resolution passed in favour of continuing the present policy.	28

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1911.		
49	To the Governors-General and Governors.	Canada, 641; Australia, 334; New South Wales, 106; Victoria, 76; Queensland, 69; South Australia, 68; Western Australia, 71; Tasmania, 48; Union of South Africa, 371; New Zealand, 265; Newfoundland, 180.	August 2	Forwards copy of the resolution passed by the Imperial Conference in favour of continuing the policy of encouraging British emigrants to proceed to British Dominions rather than foreign countries; promises continued co-operation of His Majesty's Government in this matter.	28
50	Mr. Lewis Harcourt, M.P., to Mr. Sydney Buxton, M.P.	—	August 4	Agrees to the proposal in No. 47, but suggests that Mr. F. G. A. Butler, the Chairman of the Emigrants' Information Office, should be present at the discussions.	29
51	To Board of Trade	Canada	August 22	Transmits notes of an interview with Miss Wileman, who proposes to establish a Canadian Immigration Bureau and to co-operate with the labour exchanges in filling vacant appointments in this country; expresses opinion that, in view of Sir Wilfrid Laurier's attitude on this question at the Conference, the Canadian Government must be informed so that they may take exception to the proposal if they so desire.	29
52	The Governor ...	Western Australia, 57.	September 14 (Rec. Oct. 14.)	States that Ministers have read with interest the Resolution forwarded in No. 49, and are fully in accord with the policy indicated therein.	29
53	Ditto ...	Victoria, 46.	September 25 (Rec. Oct. 28.)	States that Ministers are taking all possible steps to encourage desirable British emigration to the State.	30
			1912.		
54	Board of Trade ...	—	January 24	States that any scheme for utilising the machinery of the labour exchanges in connexion with emigration put forward by an independent organization or association will be referred to Colonial Office, and, when necessary, to the Government concerned; but does not propose to take any further action in respect of the proposal put forward by Miss Wileman.	30
55	Ditto ...	Canada	January 24	Explains present procedure in connection with notification of vacancies received by the labour exchanges from employers in Canada, and enquires, with reference to discussion at Imperial Conference, whether the Canadian Government approve of the continuance of the procedure.	31

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1912.					
56	Board of Trade ...	—	January 24	Refers to discussion at Imperial Conference respecting labour exchanges and emigration, and suggests that New Zealand, South Africa, and the Australian States should be asked, if they desire to take action in the matter, to instruct their representatives in England to consult with Colonial Office and Board of Trade; proposes to continue present method of dealing with individual applications from the States and Dominions named.	31
57	To Board of Trade	—	February 6	Acknowledges No. 54 and concurs in proposal to take no further action in the case of Miss Wileman's proposals.	32
58	To the Governor-General and Governors.	Union of South Africa, 60; New Zealand, 44; New South Wales, 24; Victoria, 20; Queensland, 18; South Australia, 19; Western Australia, 21; Tasmania, 17.	February 7	Transmits copy of No. 56 and asks for Ministers' observations upon the Board of Trade's proposals.	32
59	To the Governor-General.	Australia, 54.	February 7	Transmits copies of Nos. 58 and 56 ...	33
60	Ditto ...	Canada, 92.	February 7	Transmits copy of No. 55 and asks for Ministers' views.	33
61	The Governor ...	New Zealand, 10.	January 18 (Rec. Feb. 26.)	Transmits copies of Prime Minister's Memorandum, and of a letter from the Prime Minister to the High Commissioner in London, setting forth the views of the New Zealand Government on the subject of the emigration of ex-soldiers from England to the Dominions.	33
62	To the Governors-General and Governors.	Canada, 217; Australia, 137; New South Wales, 44; Victoria, 38; Queensland, 38; South Australia, 34; Western Australia, 36; Tasmania, 31; Union of South Africa, 152; New Zealand, 94; Newfoundland, 58.	March 27	Transmits copies of despatches on the subject of the Resolution in favour of continuing the policy of encouraging British emigrants to proceed to British Dominions rather than foreign countries.	35
63	The Governor ...	Western Australia, 13.	April 15 (Rec. May 11.)	Reports, in reply to No. 58, that his Ministers do not see that any good purpose would be served by co-operating with the labour exchanges in the direction proposed.	35

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1912.					
64	The Governor ...	South Australia, 23.	April 10 (Rec. May 20.)	Transmits communication from Premier showing that use will be made of the labour exchange system to obtain suitable immigrants, and that the Agent-General will be asked to confer with representatives of the Colonial Office and Board of Trade as suggested.	36
65	Ditto ...	Tasmania, 17.	May 8 (Rec. June 17.)	Transmits communication from the Premier stating that Ministers will be pleased to encourage the emigration of desirable British subjects to the State.	36
66	Ditto ...	New South Wales, 46.	May 14 (Rec. June 17.)	States that Ministers are heartily in accord with the spirit of the Conference Resolution, and that a vigorous policy is being pursued to encourage desirable British immigrants.	37
67	Board of Trade ...	Western Australia.	June 17	Refers to No. 63, and explains further the suggestions of the Board, which the Western Australian Government appear to have misunderstood; enquires whether the existing arrangement, whereby the representative of the Western Australian Government in London is consulted in each case before vacancies notified to labour exchanges by employers in the State are advertised, is regarded as satisfactory.	37
68	The Governor ...	Tasmania, 18.	May 17 (Rec. June 24.)	Transmits, with reference to No. 58, letter from Premier stating that there is at present no organized State system of registering vacancies for the unemployed, and that assisted passages are granted to persons nominated by residents in the Colony.	38
69	To the Governor ...	Western Australia, 78.	June 28	Transmits copy of No. 67, and enquires what answer should be returned to the enquiry raised therein.	38

8.

(RESOLUTION VIII.): PROVISION FOR DESERTED WIVES AND CHILDREN.

1911.					
70	To the Governors-General and Governors.	Canada, 631; Australia, 327; Union of South Africa, 364; New Zealand, 260; Newfoundland, 176.	July 28	Transmits copy of a resolution passed by the Imperial Conference in favour of the adoption throughout the empire of reciprocal legal provisions in the interests of deserted wives and children; states that a further despatch will be addressed to them on the subject.	39
71	To Local Government Board.	—	August 2	Transmits copy of the Resolution in No. 70; invites attention to the discussion at the Imperial Conference, and enquires whether the suggested procedure can be adopted.	39
72	To Local Government Boards for Scotland and Ireland, Board of Trade, Home Office.	—	August 2	Transmits copy of the Resolution in No. 70 together with copy of No. 71.	40

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1911.		
73	Local Government Board.	—	December 21	Observes that if it is intended to deal with the question by legislation, the Board will be pleased to consider any such legislation if framed so as to introduce reciprocal procedure available to Boards of Guardians in the country; asks whether the omission of the reference to "poor relief burdens" from Resolution VIII. means that any procedure that may be adopted for securing the enforcement abroad of orders against persons who have deserted their wives or children is not to be available for Boards of Guardians in this country, for, if so, the Board cease to be interested in the matter.	40
			1912.		
74	Local Government Board for Scotland.	—	January 8	Forwards letters from the Parish Councils of Glasgow, Edinburgh, Govan, and Dundee favouring the introduction of legislation to give effect to the resolution of the Conference.	41
75	To Local Government Board for Scotland.	—	February 2	Transmits copies of Nos. 73 and 76 and asks that steps may be taken to arrange for a conference between representatives of the Board and the Local Government Board for England, the Home Office, and this Department, and asks the Board to consider how, if legislation were passed, it might be possible to avoid injustice in enforcing in this country an order made elsewhere and <i>vice versa</i> .	42
76	To Local Government Board.	—	February 2	Considers that the omission from Resolution VIII. of the reference to "poor relief burdens" was not intended to mean that any procedure adopted should not be available for Boards of Guardians in the United Kingdom; and suggests that the possibility of adopting some legislation in this country should be further considered between representatives of the Local Government Boards for Scotland and England, the Home Office and the Colonial Office.	43
77	To Home Office ...	—	February 2	Transmits copies of Nos. 73, 76, 74, and 75; asks that the Legal Adviser of the Home Office may be instructed to discuss the question with the Legal Advisers of the Local Government Boards for England and Scotland and the Legal Adviser of the Colonial Office.	44
78	Ditto ...	—	May 8	Transmits copy of minutes of a Departmental Conference, and proposes, if the recommendations of the Committee are concurred in, to have a Bill prepared for transmission to the Dominions as indicating the lines on which His Majesty's Government think that legislation might be passed and the steps which they are prepared to take in the matter.	44

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1912.		
79	To the Local Government Board for Scotland and the Local Government Board.	—	May 8	Transmits copy of minutes of a Departmental Conference, and proposes, if the recommendations of the Committee are concurred in, to have a Bill prepared for transmission to the Dominions as indicating the lines on which His Majesty's Government think that legislation might be passed and the steps which they are prepared to take in the matter.	47
80	To the Local Government Board for Ireland.	—	May 8	Transmits copy of the enclosure in No. 78, and asks whether the Board see any objection to the adoption, as regards Ireland, of the recommendations of the Inter-departmental Committee.	47
81	Local Government Board for Scotland.	—	May 14	Concurs, in reply to No. 79, in the recommendations of the Inter-departmental Conference.	48
82	Home Office ...	—	May 20	Concurs in the proposal that a Bill should be prepared indicating the lines on which His Majesty's Government consider that legislation might be undertaken.	48
83	Local Government Board.	—	May 30	States, in reply to No. 79, that the Board would like to see a draft of the proposed Bill.	48
84	Local Government Board for Ireland.	—	June 4	Encloses memorandum by senior counsel expressing the opinion that the proposals of the Committee are unworkable; states that the Board have no alternative suggestions to make, and if legislation is considered desirable for England and Scotland there would seem to be no reason for excluding Ireland from its scope, but the expenditure involved would be likely to deter any Irish local authorities from putting the new law into operation.	49
85	To Treasury ...	—	June 25	Transmits copy of the enclosure in No. 78 and requests that a Bill may be prepared carrying out the recommendations made therein; adds that when the Bill is prepared Mr. Harcourt proposes to send it to the Dominions as indicating the lines on which His Majesty's Government think that legislation might be passed and the steps which they are prepared to take.	50
9.					
(RESOLUTION IX): COURT OF APPEAL.					
			1911.		
86	To the Governor-General.	Canada, 612.	July 26	Transmits copy of an Order in Council of 5th July regulating appeals from the Supreme Court of Nova Scotia.	51

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1911.					
87	To the Governors-General and Governors.	Australia, 315; New South Wales, 104; Victoria, 72; Queensland, 66; South Australia, 66; Western Australia, 69; Tasmania, 46; Union of South Africa, 347; New Zealand, 253; Newfoundland, 168.	July 26	Transmits copies of an Order in Council of 5th July regulating appeals from the Supreme Court of Nova Scotia.	51
88	Ditto ...	Canada, 620; Australia, 321; New South Wales, 165; Victoria, 73; Queensland, 67; South Australia, 67; Western Australia, 70; Tasmania, 47; Union of South Africa, 356; New Zealand, 257; Newfoundland, 172.	July 28	Transmits copy of Resolution passed by the Imperial Conference on the subject of a single Final Court of Appeal for the Empire, and also copy of a statement showing the action proposed to be taken.	51
89	To Privy Council Office.	New South Wales.	August 2	Transmits copy of the New South Wales Criminal Appeal Act of 1911; presumes that Section 29 would not prevent the Judicial Committee granting special leave to appeal.	52
90	Privy Council Office	New South Wales.	August 9	Agrees that the section in question would not prevent His Majesty in Council granting special leave to appeal.	52
91	To the Governors-General and Governors.	Canada, 686; Australia, 362; New South Wales, 113; Victoria, 83; Queensland, 76; South Australia, 73; Western Australia, 77; Tasmania, 54; Union of South Africa, 435; New Zealand, 289; Newfoundland, 192; New South Wales.	August 17	Transmits copy of a Bill introduced into the House of Lords to make further provision with respect to the exercise by the House of Lords and the Privy Council of their appellate jurisdiction.	53
92	The Acting Governor.	Telegram	(Rec. Oct. 12.)	Reports that Ministers ask that State Governments be consulted before projected change is made.	53

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1911.					
93	To the Acting Governor.	New South Wales, Telegram	October 16	States that Appellate Jurisdiction Bill will be proceeded with in forthcoming session of Parliament, and asks for any observations Ministers may desire to offer by telegraph; points out that only change will be to add two Lords of Appeal to be available for service on Judicial Committee.	53
94	The Lieutenant-Governor.	New South Wales, 104.	October 4 (Rec. Nov. 6.)	Forwards minute from Premier submitting that State Governments should be consulted or afforded an opportunity of expressing their views before the projected change is made.	54
95	The Governor ...	New South Wales, Telegram	(Rec. Dec. 5.)	Reports that Ministers state that New South Wales and the other Australian States have no objection to offer to change proposed by the Bill.	54
96	The Governor General.	Canada, 630.	December 2 (Rec. Dec. 16.)	Forwards Minute of Council stating that Ministers were under the impression that the whole question would have to be reconsidered in view of conclusions reached at Imperial Conference, and that they see no advantage at present in attempting any revision of the rules under the existing procedure.	55
1912.					
97	To Privy Council Office.	Canada	January 4	Transmits copy of No. 96; observes that it does not appear that any change as regards procedure in connection with Canadian appeals would result from adoption of the proposals of the Imperial Conference; enquires whether steps have been taken to carry into effect the agreement arrived at at the Conference, that in future it should be open to members of the Judicial Committee who dissented from the judgment of the Committee to set out the grounds of their dissent.	55
98	Privy Council Office	Canada	January 12	Agrees that the adoption of the proposals made at the Imperial Conference would not entail any change in procedure in connexion with Canadian appeals; observes that the Privy Council Office does not wish to press the matter of the draft Order in Council, which is essentially one for the Canadian Government to determine.	56
99	To the Governor-General.	Canada, 56.	January 24	Explains, in reply to No. 96, that the adoption of the proposals made at the last Conference would not necessarily involve any change in the procedure in Canadian appeals, and that the Order in Council which his Government have been asked to adopt is merely intended to provide what has been found to be a convenient machinery; the question of its adoption is, however, one for Ministers, and if they consider the existing procedure adequate His Majesty's Government do not desire to press matter further.	56

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1912.		
100	Privy Council Office	—	February 12	States, with reference to No. 97, that the Lord Chancellor would prefer the present practice as regards dissenting members of the Judicial Committee to continue, but both he and the Lord President agree that the agreement come to at the Conference must be proceeded with; suggests that new procedure should be limited to any Dominion asking for it, and that the forms should be as stated.	57
101	To Privy Council Office.	—	February 17	Concurs in the arrangements suggested in No. 100, which are in strict accordance with the proposals of the Conference.	58
101A	Privy Council Office	—	March 7	Forwards draft Order in Council giving effect to the arrangement arrived at at the Imperial Conference regarding the publication of dissentient opinions by members of the Judicial Committee, and asks for any observations.	59
102	The Governor-General.	Canada, 102.	March 4 (Rec. Mar. 18).	Encloses copy of Privy Council minute, stating that Ministers do not propose to adopt the Rules similar to those made in Australia and South Africa which do not seem to be of particular advantage to Canada.	60
102A	To Privy Council Office.	—	April 4	Agrees that the draft Order enclosed in No. 101A carries out the interpretation of the Conference arrangement contained in No. 100, but considers that it would be desirable to alter the draft so as to provide for liberty to publish dissentient opinions in Dominion cases generally, without the necessity for a special request from the Government of any Dominion for bringing the arrangement into force in respect of some or all cases from that Dominion; encloses draft telegram to the Dominions.	60
103	Privy Council Office	Canada	April 19	Considers it would be inexpedient to press for the adoption of the new rules by the Canadian Supreme Court; no difficulty arises in the prosecution of Canadian appeals under the present procedure.	61
103A	Ditto ...	—	June 29	Transmits, in reply to No. 102A, a revised draft of the proposed Order in Council, as approved by the Law Officers and the late Lord Chancellor.	62

10.

(RESOLUTION X.): NATURALIZATION.

			1911.		
104	India Office	—	May 17	Encloses copy of telegraphic correspondence with the Government of India showing that they have no objection to a reduction of the residence qualification for naturalization.	63
105	Home Office	—	July 13	Encloses draft of the Naturalization Bill as amended to meet the conclusions of the Imperial Conference, and asks for any observations.	63

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1911.		
106	To the Governors-General and Governors.	Canada, 572; Australia, 290; Union of South Africa, 322; New Zealand, 229; Newfoundland, 154.	July 14	Encloses copies of the Imperial "British Nationality and Status of Aliens Bill," as re-drafted after discussion at the Conference, and enquires whether Ministers agree in the Bill.	64
107	To Foreign Office, India Office and Home Office.	—	July 15	Transmits copy of No. 106 ...	64
108	To Home Office ...	—	July 20	States that Mr. Harcourt has no observations to offer on the Naturalization Bill pending receipt of views of the self-governing Dominions.	64
109	Foreign Office ...	—	August 5	Transmits copies of correspondence with the Home Office on the subject of the British Nationality and Status of Aliens Bill.	65
110	The Governor-General.	Union of South Africa, Telegram.	November 2 (Rec. Nov. 2.)	States that the objections raised by his Government at the Conference are fairly met by the new draft and they have no alterations to propose.	66
111	Ditto ...	Union of South Africa, 841.	November 2 (Rec. Nov. 25.)	Forwards Minute from Ministers on which No. 110 was based.	67
			1912.		
112	The Governor ...	Newfoundland, Telegram.	(Rec. Jan. 26)	Reports that Ministers have no objection to offer to the Imperial Naturalization Bill as it now stands amended.	67
113	Ditto ...	New Zealand, Telegram.	(Rec. Feb. 7)	States that Ministers accept principle of draft British Nationality Bill but suggest that drafting requires revision to make clear the points indicated.	67
114	The Governor-General.	Canada, Telegram.	(Rec. Feb. 13)	States that the Imperial Naturalization Bill is still under consideration, but that observations of Canadian Government will be communicated as early as possible.	68
115	To Home Office ...	—	February 27	Transmits copy of No. 113; agrees in view of New Zealand Government that it should be made quite clear how far each of the clauses of the Bill extends to the whole of the Empire and submits remarks upon the other clauses of the Bill as to the application of which the New Zealand Government are not clear: asks for views.	68
116	Home Office ...	—	March 8	Submits observations on the points raised in No. 115; suggests that they should form the subject of consultation between the Departments concerned.	70
117	To the Governor-General.	Australia, Telegram.	March 23	Enquires when reply may be expected on the subject of the draft Bill.	72

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1912.		
118	To Home Office ...	—	March 25	Concurs in the view that the Bill should form the subject of consultation between the Departments concerned, but suggests that such consultation be deferred pending receipt of replies from Canada and Australia.	72
			11.		
			(RESOLUTION XI.): UNIFORMITY IN THE LAW OF ACCIDENT COMPENSATION.		
			1911.		
119	To the Governors-General and Governors.	Canada, 712; Union of South Africa, 475; New Zealand, 299; Newfoundland, 291.	August 25	Transmits, for consideration of Ministers, copy of Resolution XI passed at the Imperial Conference on the subject of uniformity throughout the empire in the law of accident compensation, together with the memorandum laid before the Conference [<i>To Canada only</i> ; and asks that the views of Ministers of the Provincial Governments of Canada may be taken on this question].	73
120	To the Governors ...	New South Wales, 120; Victoria, 87; Queensland, 80; South Australia, 77; Western Australia, 81; Tasmania, 57.	August 25	Transmits copy of the resolution in No. 119 and copy of a memorandum by the Home Office on the subject; asks for Ministers' views on the subject.	73
121	To the Governor-General.	Australia, 377.	August 25	Transmits copy of the resolution in No. 119; encloses copy of No. 120.	73
122	The Governor ...	Western Australia, 63.	November 2 (Rec. Dec. 4.)	States that Ministers concur in the resolution of the Conference.	74
123	The Acting Governor	Tasmania, 39.	October 31 (Rec. Dec. 9.)	Forwards letter from Premier showing that the Tasmanian Act complies with conditions set forth in the Home Office Memorandum, and making observations on the suggestions of the Home Office.	74
124	To Home Office ...	—	December 15	States that the Victoria "Workers' Compensation Bill" did not become law during the last session of Parliament, but will probably be re-introduced shortly; transmits copy of No. 123.	75
125	To Board of Trade	Victoria	December 15	States that the Victoria "Workers' Compensation Bill" did not become law during the recent session of Parliament, and asks to receive early any observations the Board may wish to offer, as the Bill will probably be re-introduced soon.	75

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1911.		
126	The Governor ...	Queensland, 72.	November 14 (Rec. Dec. 23.)	Forwards copies of the Queensland Workmen's Compensation Acts and states that Premier and Attorney-General consider Resolution of Conference forwarded in No. 120 is commendable if by "uniformity" is meant not identity of legislation, but the acceptance of the same general principles.	75
127	Board of Trade ...	Victoria	December 30	Suggests, in reply to No. 125, that the Bill, if re-introduced, should be amended in the manner indicated.	76
			1912.		
128	Home Office ...	—	January 2	Forwards copies of a memorandum comparing the British law with those in force in certain Colonies.	77
129	To the Governors-General and Governors.	Canada, 40; Australia, 26; New South Wales, 12; Victoria, 10; Queensland, 11; South Australia, 10; Western Australia, 10; Tasmania, 10; Union of South Africa, 30; New Zealand, 21; Newfoundland, 18.	January 18	Forwards copy of the Home Office memorandum enclosed in No. 128.	88
130	Home Office ...	Victoria	January 25	Concurs in observations of the Board of Trade upon the Victoria Workers' Compensation Bill, and has no other observations to offer.	89
131	To the Governor ...	Victoria, 24.	February 13	Suggests, with reference to the "Workers' Compensation Bill," that a precise definition of the ships to which it is applicable should be inserted; and also a provision to prevent the possibility of proceedings being taken both under the Victoria Act and the legislation of some other part of His Majesty's dominions.	89
132	Ditto ..	New Zealand, 60.	February 21	Sanctions New Zealand "Act to amend the Workers' Compensation Act, 1908," but requests that Ministers' attention be drawn to the fact that there appears to be no provision either in this Act or in the principal Act defining the date on which a ship shall be deemed to have been lost with all hands.	90
133	The Governor ...	New Zealand, 27.	February 23 (Rec. Mar. 30.)	Reports that Ministers state that it does not appear necessary for them to take any steps in the direction indicated in No. 119 as the New Zealand Compensation Act is largely based on the Imperial Act and goes further than Acts of other Dominions.	90

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1912.		
134	To the Governors-General and Governors.	Canada, 259; Australia, 169; New South Wales, 48; Victoria, 42; Queensland, 42; South Australia, 40; Western Australia, 40; Tasmania, 35; Union of South Africa, 175; Newfoundland, 70.	April 12	Transmits copy of No. 133 and of the New Zealand Act 34 of 1911 "To amend the Workers' Compensation Act of 1908."	90
135	The Governor ...	South Australia, 18.	April 3 (Rec. May 6.)	Encloses abstract of the Workmen's Compensation Act in South Australia by the Solicitor to Industry.	91

12.

(RESOLUTION XII.): DEPORTATION OF ALIENS.

			1911.		
136	To Home Office ...	—	August 16	Transmits copy of the resolution passed at the Imperial Conference, and asks for observations.	93
137	Home Office ...	—	September 16	States that, until Mr. Churchill has further considered the matter, he would prefer not to express an opinion on the question of the special action to be taken by the Dominions; suggests that Dominions should be informed that a further communication on the subject will be made at the earliest opportunity.	93
138	To the Governors-General and Governors.	Canada, 787; Australia, 429; Union of South Africa, 324; New Zealand, 333; Newfoundland, 224.	September 22	Transmits copy of the resolution passed at the Imperial Conference, and states that a further communication will be made at the earliest opportunity as to the action required to carry it into effect.	94
			1912.		
139	Home Office ...	—	April 12	Furnishes statistics for 1911, from which it appears that existing arrangements are on the whole satisfactory, and it does not seem necessary to ask Dominions to take any new departure in the matter: hopes that co-operation offered at the Imperial Conference will result in still further reducing the balance of undesirables imposed on United Kingdom.	94
140	To the Governors-General and Governors.	Canada, 224; Australia, 179; Union of South Africa, 196; New Zealand, 127; Newfoundland, 82.	April 20	Transmits copy of No. 139 ...	95

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1912.		
141	The Governor-General.	Union of South Africa, 353.	June 8 (Rec. June 29.)	Transmits, with reference to No. 140, Minute from Ministers expressing their willingness to co-operate, and stating that they will await any further proposals from the Home Office.	95

13.

(RESOLUTION XIII.): BIRTHDAY OF HIS MAJESTY THE KING.

			1911.		
142	To the Governors-General and Governors.	Canada, 619; Australia, 339; New South Wales, 108; Victoria, 78; Queensland, 71; South Australia, 70; Western Australia, 74; Tasmania, 50; Union of South Africa, 377; New Zealand, 269; Newfoundland, 183.	August 3	Transmits copy of a resolution passed by the Imperial Conference regarding the date of the celebration of His Majesty's Birthday.	97
143	The Acting Governor.	Newfoundland, 79.	September 28 (Rec. Oct. 13.)	States that his Ministers agree with the proposed celebration of His Majesty's birthday, and will yearly bring the matter to the notice of the people of Newfoundland.	97
144	The Lieutenant-Governor.	New South Wales, 102.	September 23 (Rec. Oct. 28.)	Enquires whether the public observance of a holiday on the Monday succeeding the birthday, and the holding of official functions on the 3rd June, would fulfil requirements.	97
145	To the Governors-General and Governors.	Canada, 878; Australia, 476; New South Wales, 154; Victoria, 119; Queensland, 114; South Australia, 99; Western Australia, 103; Tasmania, 81; Union of South Africa, 588; New Zealand, 373.	October 31	Transmits copy of No. 143 ...	98
			1912.		
146	The Governor ...	Tasmania, 47.	December 9, 1911 (Rec. Jan. 15, 1912.)	States that the subject has been placed on the Agenda Paper for the next Conference of Premiers to be held shortly.	98

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1912.					
147	The Governor ...	New Zealand, 150.	December 14, 1911 (Rec. Jan. 20, 1912).	Reports that the birthday of the Sovereign has always been celebrated in New Zealand and will continue to be so, and that there is no need for legislation.	99
148	To the Governors-General and Governors.	Canada, 112; Australia, 69; New South Wales, 28; Victoria, 25; Queensland, 22; South Australia, 20; Western Australia, 24; Tasmania, 20; Union of South Africa, 75; New Zealand, 53; Newfoundland, 29.	February 14	Transmits copies of Nos. [144] [147] [149].	99
149	To the Governor ...	New South Wales, 29.	February 14	States that the King's birthday may be celebrated in New South Wales on the Monday following the day upon which it falls.	99
150	The Governor-General.	Australia, 44.	March 21 (Rec. April 27.)	Transmits copy of the proceedings at the Conference of State Premiers held in January last, from which it will be seen that it was decided to leave the matter to the decision of the individual Governments.	100
151	The Governor ...	South Australia, 20.	April 3 (Rec. May 6.)	States, with reference to No. 142, that Ministers desire to point out that the law of the State provides that should the King's birthday fall upon any other day than a Monday it shall be celebrated as a public holiday upon the Monday succeeding the day upon which it falls.	100
152	To the Governors-General and Governors.	Australia, 205; Canada, 334; New South Wales, 63; Victoria, 58; Queensland, 56; Western Australia, 53; Tasmania, 45; Union of South Africa, 236; New Zealand, 144; Newfoundland, 91.	May 16	Transmits copy of No. 151 (<i>not to Australia</i> : states the practice of the Commonwealth Government).	101
153	The Governor ...	Victoria, 15.	April 12 (Rec. May 20.)	Forwards memorandum from Prime Minister stating that it is the practice in the State for the King's birthday, when it falls upon any day other than a Monday, to be observed upon the following Monday; and enquiring whether this practice represents compliance with Imperial wishes or whether the law should be amended.	101

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1912.					
154	The Governor ...	Tasmania, 13.	April 19 (Rec. May 25.)	Forwards letter from Premier stating that in Tasmania when the King's birthday does not fall on a Monday it is celebrated on the following Monday, and asking whether His Majesty will be pleased to allow this practice to continue.	102
155	Ditto ...	Western Australia, 16.	April 26 (Rec. May 25.)	Reports that Ministers propose to follow the practice adopted in New South Wales, to celebrate the birthday of the Sovereign on the Monday following the day on which it falls.	103
156	Ditto ...	Western Australia, Confidential.	April 26 (Rec. May 25.)	Observes, with reference to No. 155, that at the Conference of Premiers it was decided to leave each State to take independent action, and considers that it would be indiscreet to press Ministers further.	103
157	To the Governor ...	Victoria, 69.	May 30	States, in reply to No. 153, that His Majesty has no objection to the continuance of the existing practice.	104
158	Ditto ...	Tasmania, 54.	June 5	Requests him, in reply to No. 154, to inform Ministers that His Majesty has no objection to the continuance of the existing practice.	104
159	Ditto ...	Western Australia, Confidential.	June 5	States, in reply to Nos. 155 and 156, that His Majesty sees no objection to his birthday being celebrated on the following Monday when it does not actually fall on a Monday, and that it is, therefore, not necessary that the question should be revived in future.	104

14.

(RESOLUTIONS XIV. AND XV.): CHEAPER CABLE RATES; STATE-OWNED ATLANTIC CABLE.

1911.					
160	To the Governors-General and Governors.	Canada, 645; Australia, 338; Union of South Africa, 374; New Zealand, 268; Newfoundland, 182.	August 2	Transmits copies of two resolutions passed by the Imperial Conference relative to the questions of reduction of cable rates and a State-owned cable between England and Canada.	105
161	To General Post Office and Board of Trade.	—	August 2	Ditto ...	105
162	General Post Office	Confidential.	November 18	States that the Postmaster-General hopes shortly to be able to announce a date for the introduction of the system of half-rates for deferred telegrams, and encloses draft of a telegram which it is proposed should be sent to the Dominion and Crown Colonies, either by the General Post Office or Colonial Office.	106

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1911.					
163	To the Governors-General and Governors.	Canada, Australia, Union of South Africa, New Zealand, Newfoundland, Telegram.	December 4	States that the Postmaster-General has arranged a scheme for accepting extra European plain language telegrams at half present rates, on condition that they may be delayed for not more than twenty-four hours; asks if Ministers accept this proposal.	107
164	To General Post Office.	—	December 6	Transmits copy of No. 163 and states that copies of the conditions of the new service are being sent to the Dominions by mail.	107
165	The Governor ...	New Zealand, Telegram.	(Rec. Dec. 7)	Reports that Ministers agree to proposals in No. 163, and that similar rates will be introduced in New Zealand from January 1st next for telegrams to the United Kingdom.	108
166	To the Governors-General and Governors.	Canada, 961; Australia, 522; Union of South Africa, 634; New Zealand, 396; Newfoundland, 275.	December 7	Transmits copy of the conditions of the proposed service of deferred plain language telegrams at reduced rates.	108
167	The Governor-General.	Australia, Telegram.	(Rec. Dec. 8)	States that his Ministers approve proposals in No. 163; date of commencement in Australia will be subject to receipt of full details, and asks for these by telegraph.	110
168	To General Post Office.	—	December 8	Forwards copies of No. 167 & 165, and asks what reply should be returned to No. 167.	110
169	To Governors-General and Governors.	Canada, 962; Australia, 527; Union of South Africa, 635; New Zealand, 398; Newfoundland, 277.	December 8	Forwards statement made by the Postmaster General in the House of Commons with regard to reductions in telegraph rates.	110
170	General Post Office	—	December 11	States that until replies have been received from all British possessions it cannot be stated with what countries and by which routes the scheme will be put into operation; and suggests reply to No. 167.	112
171	To the Governor-General.	Australia, Telegram.	December 12	States, in reply to No. 167, the routes to which the half rates scheme will apply upon its introduction, and prospective arrangements; and states that full conditions of acceptance, &c., can be obtained from the Pacific Cable Company at Sydney, and that the early concurrence of principal European countries is anticipated.	112

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1911.					
172	The Governor-General.	Union of South Africa, Telegram.	December 14 (Rec. Dec. 14.)	States that Ministers are prepared to adopt proposed reduction of rates for telegrams between United Kingdom and South Africa as from January 1st next.	112
173	To the Governor-General.	Australia, Telegram.	December 18	States that New Zealand and the Union of South Africa have accepted the scheme of reduced rates for deferred telegrams, and asks for early decision of Ministers.	113
174	To the Governor-General and Governor.	Canada, Newfoundland, Telegram.	December 18	Asks for an early reply to No. 163, and states that New Zealand and the Union of South Africa have accepted the scheme.	113
175	The Governor-General.	Canada, Telegram.	(Rec. Dec. 21.)	Reports that Ministers state that, as cables are under private control, concurrence of Government is unnecessary, but they desire to express satisfaction at success attending representations on the subject.	113
176	The Governor ...	Newfoundland, Telegram.	(Rec. Dec. 26.)	Reports that his Government are bound by agreement with the Commercial Cable Company, and only now have received from them their views as to matter, which are too long to telegraph, but will be sent by mail.	113
1912.					
177	The Governor-General.	Union of South Africa, 935.	December 18, 1911. (Rec. Jan. 6, 1912.)	Forwards Minute from Ministers, stating that they are prepared to adopt the reduced rates as from January 1st, 1912.	114
178	The Governor ...	Newfoundland, 114.	December 26, 1911. (Rec. Jan. 6, 1912.)	Forwards Minute from Ministers as to the terms upon which they will adopt the system of reduced rates.	114
179	Ditto ...	New Zealand, 20.	February 9 (Rec. Mar. 16.)	Reports that the conditions of the proposed service of deferred telegrams have been embodied in the Regulations of the Post and Telegraph Department of New Zealand.	116
180	The Governor-General.	Australia, Telegram.	(Rec. April 1.)	Enquires whether any negotiations have taken place with the Atlantic Companies regarding reduced cable rates for ordinary business, and, if so, with what results.	116
181	To the Governor-General.	Australia, Telegram.	April 13	Refers to No. 180; the Postmaster-General does not regard the reductions referred to in No. 169 as final, but cannot see his way at present to demand further reduction.	116
182	To the Governors-General and Governors.	Canada, 279; Australia, 175; Union of South Africa, 191; New Zealand, 120; Newfoundland, 76.	April 19	Forwards copy of a statement made by the Postmaster-General in the House of Commons on the 3rd April regarding the question of cable rates and the advisability of the construction of a State-owned Atlantic cable.	116

PACIFIC CABLE BETWEEN AUSTRALIA AND NEW ZEALAND.

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page
1911.					
183	Treasury ...	—	June 12	Transmits copy of a letter to the Pacific Cable Board declining, in view of schemes for a wide extension of wireless telegraphy, to introduce legislation to enable the Board to lay a new cable.	117
184	To the Governors-General and Governors.	Canada, 682; Australia, 358; Union of South Africa, 430; New Zealand, 285; Newfoundland, 188.	August 17	Encloses the draft of a Bill to enable the Pacific Cable Board to apply monies out of their reserve fund to the construction of a new cable between Australia and New Zealand.	117
1912.					
185	Ditto ...	Canada, 24; Australia, 17; Union of South Africa, 19; New Zealand, 14; Newfoundland, 12.	January 12	Transmits copies of the Pacific Cable Act, 1911, of the Imperial Parliament.	118

15.

(RESOLUTION XVI): STATE-OWNED WIRELESS TELEGRAPH STATIONS.

1911.					
186	Committee of Imperial Defence.	Secret	July 5	Forwards copy of the report and appendices of the Standing Sub-Committee regarding the establishment of a chain of wireless stations throughout the Empire, which has received the provisional approval of the Prime Minister.	119
187	General Post Office	—	July 20	States that a Committee is being formed of representatives of the Governments concerned in the proposals for the establishment of an Imperial chain of wireless stations in order that a detailed scheme may be worked out: asks who will represent the Colonial Office.	119
188	To General Post Office.	Secret	July 28	States that it is proposed to instruct the Governor of the Straits Settlements and the High Commissioner of Cyprus to take steps at once for selecting suitable sites for the proposed wireless telegraph stations, and to ask the War Office and Admiralty to give the necessary instructions to their officers to co-operate with the Governor and High Commissioner in the matter.	119
189	General Post Office	Confidential.	July 31	Suggests, in reply to No. 188, that the better course would be to request Admiralty to select the sites, except the one in Western Australia, in co-operation with the local authorities.	120

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page
1911.					
190	To General Post Office.	—	July 31	Refers to No. 187; nominates Mr. Johnson as Colonial Office representative and desires that Mr. Keith should act as Joint Secretary to the Committee.	120
191	To the Governors-General and Governors.	Canada, 651; Australia, 342; Union of South Africa, 378; New Zealand, 270; Newfoundland, 185.	August 3	Encloses copy of the resolution passed by the Imperial Conference as to the establishment of a chain of British State-owned wireless telegraph stations, and asks that Ministers may be informed of the appointment of a Committee to work out a detailed scheme.	121
192	To General Post Office.	Confidential.	August 3	Concurs in the course proposed in No. 189.	121
1912.					
193	The High Commissioner for Australia.	—	March 19	States that the Postmaster-General, Australia, prefers to arrange for own wireless station capable of becoming efficient part of scheme.	122
194	To the Governor-General and Governor.	Union of South Africa, 143; New Zealand, 83.	March 21	Transmits copies of correspondence between the Postmaster-General and the Marconi Company on the subject of the establishment of a series of long-distance stations; states that His Majesty's Government have decided to accept the modified tender of the Marconi Company in respect of stations in England, Cyprus or Egypt, Aden, and Singapore, and to bear the cost of these stations; that the Indian Government have also accepted the Agreement in regard to an Indian station; and that it is proposed that the Indian and South African Governments should bear the cost of stations in their territories; and enquires if his Government desires to become a party to the Agreement.	122
195	To the Governor-General.	Australia, 134.	March 26	Asks if Ministers desire that Australian Government should at a later date become a party to the Agreement with the Marconi Company for a wireless system for the Empire, in which case it could be extended so as to include one or more stations in Australia.	127
196	To General Post Office.	—	March 26	Concurs in the acceptance of the Marconi Company's modified tender for stations in this country, Cyprus (or Egypt), Aden, and Singapore, on the understanding that the Imperial Government bears the total cost; and adds that it is assumed that the contract will be so drawn that communication will be allowed between stations of the chain and a station erected on any system other than Marconi's.	127

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1912.		
197	To the Governor-General and Governor.	Canada, 285; Newfoundland, 80.	April 20	Transmits copies of Nos. 194 and 195 ...	128

16.

(RESOLUTIONS XVII and XVIII): UNIVERSAL PENNY POSTAGE; IMPERIAL POSTAL ORDER SCHEME.

			1911.		
			—		
198	To the Governors-General.	Canada, 622; Australia, 320.	July 28	Transmits copy of resolution passed at the Imperial Conference in favour of the extension of the Imperial Postal Order scheme to Canada and Australia; enquires whether Ministers can see their way to carry it into effect.	129
199	To the Governors-General and Governors.	Canada, 623; Australia, 323; Union of South Africa, 354; New Zealand, 255; Newfoundland, 173.	July 28	Transmits copy of resolution passed by the Imperial Conference in favour of further reduction in postal rates; draws attention to the Post Office memorandum, and states that the resolution of the Conference will continue to be acted upon by His Majesty's Government.	129
200	Ditto ...	Union of South Africa, 357; New Zealand, 258; Newfoundland, 174.	July 28	Transmits copy of resolution passed at the Imperial Conference on the subject of the Imperial Postal Order scheme, together with copies of No. 198.	130
201	The Governor ...	Newfoundland, 76.	September 2 (Rec. Sept. 16.)	States that British postal order system is already in full operation between Newfoundland, the United Kingdom, and the Crown Colonies, and its extension to the whole Empire would be a still greater convenience.	130
			1912.		
			—		
202	The Governor-General.	Canada, 176.	April 1 (Rec. April 9.)	Transmits communication from the Department for External Affairs stating that the Canadian Government is still unable to participate in the Imperial Postal Order scheme to a greater extent than that already suggested, namely, the payment of British orders at the larger city offices in Canada or the reciprocal payment by each country of the orders issued by the other.	130
203	To General Post Office.	Canada	May 15	Transmits, for observations, copy of No. 202.	133
204	The Governor-General.	Australia, 67.	April 23 (Rec. June 3.)	Reports that the Commonwealth Government is unable to alter its previous decision not to adopt the Imperial Postal Order Scheme.	134
205	To General Post Office.	Australia	June 11	Transmits copy of No. 204 ...	134

17.

(RESOLUTION XIX): COMMERCIAL TREATIES.

(a) WITHDRAWAL OF THE DOMINIONS FROM CERTAIN TREATIES.

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1911.		
			—		
206	To Foreign Office ...	—	May 4	Presumes that the principle laid down by the Law Officers as to the status of British Colonial subjects under commercial treaties will be adopted by His Majesty's Government, and that Mr. Chamberlain's despatch of December 2nd, 1899, may be accepted as still governing the situation; enquires whether the negotiations with Colombia will be resumed on the basis now laid down.	135
207	Ditto ...	—	May 9	Proposes to communicate with Prime Minister of the Commonwealth of Australia in London on question of giving notice of withdrawal from treaties on behalf of Commonwealth.	135
208	Ditto ...	—	June 20	States that the Commonwealth Government desire to withdraw from the Anglo-Mexican Commercial Treaty of 1888, and requests that the necessary steps may be taken.	135
209	Foreign Office ...	—	June 27	Transmits copies of letters from the Board of Trade suggesting that the negotiations with Colombia should be held in obedience.	136
210	Ditto ...	—	July 5	Transmits copy of a despatch to His Majesty's Chargé d'Affaires in Mexico, requesting him to inform the Mexican Minister for Foreign Affairs of the desire of Australia to withdraw from the Anglo-Mexican Commercial Treaty of November 27th, 1888.	137
211	To the Governor-General.	Australia, 283.	July 12	Transmits copy of No. 210, and states that notice of the desire of the Commonwealth to withdraw from the Treaty has been given in accordance with the wish of the Prime Minister.	138
212	Foreign Office ...	—	July 18	Transmits list of Treaties from which the Dominions are unable to withdraw apart from the United Kingdom, and proposes to take steps to enquire of the Governments concerned whether they would agree to separate withdrawal of Dominions should they so desire; encloses draft despatch in this sense to His Majesty's representatives at certain places abroad; states that it is proposed to resume negotiations with Colombia, that no further action is needed at present as regards Bolivia, and that Mexico has already agreed to separate withdrawal.	138
213	Ditto ...	—	July 25	Transmits draft despatch to His Majesty's Minister at Rome instructing him to approach the Italian Government with a view to allowing the Dominions to withdraw from the Treaty of 1883 if they should desire to do so at any time.	139

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1911.					
214	Foreign Office ...	—	August 3	Transmits, with reference to No. 212, draft despatch to His Majesty's Minister at Bogota instructing him to inform the Colombian Government that in order to secure the right of separate withdrawal His Majesty's Government are prepared to forgo their claim to the same treatment for British goods as that which may be accorded to conterminous States.	139
215	Ditto ...	—	August 4	Transmits copy of a despatch from His Majesty's representative at Mexico reporting that he has informed the Mexican Government of the wish of the Australian Government to withdraw from the Anglo-Mexican Commercial Treaty of 1888.	140
216	To Foreign Office ...	—	August 10	Observes that as the Italian Treaty was voluntarily accepted by the Dominions which adhered, and as the Italian Government has recently declined to allow Australia to withdraw, the line of reasoning adopted in the draft despatch enclosed in No. 213 does not appear to apply; and forwards modified draft.	141
217	Ditto ...	—	August 11	Calls attention, in reply to No. 212, to the necessity of distinguishing between commercial and political treaties; encloses a re-draft of the circular despatch making clearer certain points; explains why reference to navigation is omitted and suggests that for the reasons stated the despatch should not be sent to Vienna.	142
218	Foreign Office ...	—	August 23	Transmits copy of despatch from His Majesty's representative at Mexico stating that the Mexican Government have taken due note of the withdrawal of the Commonwealth of Australia from the Anglo-Mexican Commercial Treaty of 27th November, 1888.	143
219	To the Governor-General.	Australia, 390.	September 1	Transmits copy of the enclosure in No. 218.	144
220	To the Governors-General and Governors.	Canada, 738; Union of South Africa, 490; New Zealand, 305; Newfoundland, 205.	September 1	Requests that Ministers be informed that the Mexican Government have accepted His Majesty's Government's proposals that Australia should be permitted to withdraw from the Treaty of Commerce and Navigation of November 27th, 1888, and that notice of withdrawal was given on July 17th, 1911.	144
221	To Foreign Office ...	—	September 19	Suggests, in reply to No. 214, that His Majesty's Minister at Bogota should be furnished with a copy of the Law Officers' Opinion of 4th April, 1911, and informed that, while it is unnecessary for him to discuss the status of British subjects, he should avoid using language departing from the position of His Majesty's Government as defined therein, and, if pressed, should re-assert that position; adds that it is left to Sir E. Grey to decide whether an offer to abandon most-favoured-nation treatment as regards limitrophe Powers should be made without reference to the Cabinet.	144

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1911.					
222	Foreign Office ...	—	October 23	Transmits, with reference to No. 217, copy of the despatch to His Majesty's Ambassador at Rome, and of the circular despatch to certain of His Majesty's representatives abroad, instructing them to ascertain whether the respective Governments would sign a protocol giving the Dominion Governments power to withdraw from existing commercial treaties.	145
223	To the Governors-General and Governors.	Canada, 885A; Australia, 477A; Union of South Africa, 588A; New Zealand, 373A; Newfoundland, 249A.	November 1	Transmits copies of the enclosures in No. 222; explains why certain treaties have not been made the subject of despatches and why all reference to navigation has been omitted.	148
224	To Foreign Office ...	—	November 1	Transmits copy of No. 223; states that it is not necessary to deal with the Netherlands and Persian Treaties, which do not deal with tariff matters, and suggests that the despatches to those countries should be cancelled, and that further consideration be given to the Treaties with Costa Rica (1849) and Peru (1850) before action is taken; observes that the Treaty with Muskat has been omitted from the list as it is doubtful whether it affects the liberty of the Dominions regarding customs duties, and as it may be terminated at an early date.	150
225	Foreign Office ...	—	November 4	States, with reference to No. 221, that Sir E. Grey is prepared to instruct His Majesty's Minister at Bogota to avoid the use of language which could be construed as departing from the views of the Law Officers, but cannot agree to instruct him to press these views on the Colombian Government.	151
226	To Foreign Office ...	—	November 10	States, in reply to No. 225, that Mr. Harcourt will not press for the inclusion in the despatch to His Majesty's Minister at Bogota of the instruction to which Sir E. Grey objects, but calls attention to certain words in the draft despatch which might be misleading, and encloses redraft of the paragraph.	152
227	Foreign Office ...	—	November 15	Forwards despatch from His Majesty's representative at Mexico, reporting the agreement of the Mexican Government to the withdrawal from the Anglo-Mexican Treaty of 1888 of Newfoundland and Natal, provided twelve months' notice of withdrawal is given.	152
228	Ditto ...	—	November 15	Encloses telegram from His Majesty's Minister at Stockholm reporting that the Swedish Government accept the proposed declaration in No. 222.	153

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1911.					
229	Foreign Office ...	—	November 16	Encloses note from the Swiss Minister asking whether other Dominions besides Canada have concluded any commercial treaties with foreign countries, and what treaties have been made by Canada up to the present: and asks what reply should be returned.	153
230	To Foreign Office ...	—	November 17	Draws attention to the fact that in the notice of withdrawal from the Honduras Treaty of 1887, given on behalf the Australian States, Victoria was not included, and suggests that the Government of Honduras should be asked to concur in the inclusion <i>ex post facto</i> of Victoria in the notice given.	154
231	Foreign Office ...	—	November 21	Transmits, with reference to No. 226, copy of the despatch to His Majesty's Minister at Bogota as sent.	154
232	To the Governors-General and Governor.	Canada, 939; Australia, 508; New Zealand, 391.	November 24	States that the Mexican Government have agreed to allow any self-governing Dominion to withdraw from the Anglo-Mexican Treaty of 1888 provided that twelve months' notice is given of intention to withdraw.	155
233	To the Governor ...	Newfoundland, 266.	November 24	States that the Mexican Government have agreed to allow any other Dominions which adhered to the Anglo-Mexican Treaty of 1888 to withdraw provided that twelve months' notice of their intention is given by His Majesty's Government; and asks whether it is desired that Newfoundland should withdraw.	156
234	To the Governor-General.	Union of South Africa, 616.	November 24	States that the Mexican Government has agreed provisionally to the withdrawal of the self-governing Dominions from the Anglo-Mexican Treaty of 1888, and observes that the Treaty is applicable to Natal, and also to the Transvaal and Orange Free State Provinces.	156
235	To Foreign Office ...	—	November 25	Observes, with reference to No. 227, that the application made to and accepted by the Mexican Government refers to the Union of South Africa in respect only of Natal, but that it will be necessary for the Union to be permitted to withdraw from the Treaty in respect of the Transvaal and Orange Free State Provinces also; requests that the point may be brought to the notice of the Mexican Government, and encloses copies of Nos. 232, 233, and 234.	156
236	Ditto ...	—	November 25	Furnishes the information asked for by the Swiss Government in their note enclosed in No. 229.	157
237	Foreign Office ...	—	November 28	Suggests, in reply to No. 230, that, in view of the probable early ratification of the new treaty with Guatemala, no action should be taken, at any rate for the present, with a view to the withdrawal of Victoria from the old Treaty.	158

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1911.					
238	Foreign Office ...	—	December 2	Agrees with the view in No. 235 that the Union of South Africa is bound by the Anglo-Mexican Treaty in respect also of the Transvaal and Orange Free State Provinces, but considers it desirable to reserve any communication to the Mexican Government until the Union Government expresses a desire to withdraw from the Treaty.	158
239	To Foreign Office ...	—	December 3	Concurs in the view expressed in No. 237.	159
240	Foreign Office ...	—	December 8	States, with reference to No. 236, that the Swiss Minister enquires whether the draft Protocol is intended to secure the right of Dominions to withdraw from the whole of the Treaty or only from the strictly commercial Articles: requests early expression of view as to whether wording of Protocol should be altered to make this point clear: and as to its precise application.	159
241	To Foreign Office ...	—	December 11	Concurs in the view expressed in No. 238.	159
242	Foreign Office ...	—	December 13	Transmits despatch from His Majesty's Ambassador at Stockholm enclosing signed declaration as to the withdrawal of the Dominions from Treaties between the United Kingdom and Sweden.	160
243	Ditto ...	—	December 15	States that the Danish Government have raised objections to the draft Protocol on the grounds that it gives the Dominions the right to withdraw but does not accord the corresponding right to the Danish Government without impairing the validity of the Treaties as between Denmark and the United Kingdom; and that the Danish Government consider that a stipulation should be inserted that Danish produce shall receive any favour which has been granted to any other foreign country in a Dominion which has denounced the present Treaties with Denmark.	161
244	To Foreign Office ...	—	December 15	States, in reply to No. 240, that the Swiss Minister should be informed that His Majesty's Government wish the whole of the Treaty to cease to be applicable to any Dominion in respect of which notice of intention to withdraw is given: draws attention to the position of Papua and Norfolk Island and suggests that this should be explained to the Swiss Government and to the other Governments concerned, with an intimation of the desire of His Majesty's Government that the power of withdrawal being sought in respect of the Commonwealth of Australia may be exercised also in respect of those dependencies.	161

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1911.					
245	Foreign Office ...	—	December 21	Transmits for concurrence draft note to the Swiss Minister, together with drafts of despatches to His Majesty's Representatives abroad, instructing them to bring the cases of Papua and Norfolk Island to the notice of the Government to which they are accredited in order to secure for these places the right of withdrawal.	162
246	To the Governors-General and Governors.	Canada, 1003; Australia, 558; Union of South Africa, 666; New Zealand, 414; Newfoundland, 288.	December 29	Forwards copy of the enclosure in No. 223.	164
1912.					
247	Foreign Office ...	—	January 5	States that it has now been decided that His Majesty's Government should decline to recognise as binding on Norway any of the Treaties concluded with Denmark when Norway was a Danish possession; that the only Treaty in force between this country and Norway is, therefore, that of 1826, and that the Norwegian Government are being approached as to the withdrawal of the Dominions therefrom should any desire to do so.	165
248	To Foreign Office ...	—	January 12	Considers, in reply to No. 243, that the first point raised by the Danish Government cannot be resisted; as regards the second His Majesty's Government are not in a position to give an undertaking that the goods of a foreign country not so entitled by treaty shall receive most-favoured-nation treatment in a Dominion, and sees no advantage in pursuing the proposal in the draft protocol on this point in the case of Denmark; encloses revised draft protocol.	165
249	Foreign Office ...	—	January 18	Forwards despatch from His Majesty's Ambassador at Rome covering memorandum from the Italian Government suggesting that, in the event of a Dominion desiring to withdraw from the Anglo-Italian Treaty of 1883, it would be preferable, instead of substituting a temporary régime on the basis of most-favoured-nation treatment, that a definite treaty should be negotiated; asks what reply should be sent.	166
250	Ditto ...	—	January 30	Transmits copy of a despatch from His Majesty's Ambassador at Paris, reporting that the French Government accept the principle of withdrawal, but propose an amended form of protocol; and suggests that if the French draft is accepted it should contain the particulars mentioned.	168

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1912.					
251	To Foreign Office ...	—	January 30	Concurs in the drafts enclosed in No. 245 subject to the alterations indicated.	169
252	Ditto ...	—	February 1	Transmits, in reply to No. 249, draft despatches to Canada, and to the rest of the self-governing Dominions.	169
253	The Acting Governor-General.	Canada, 33.	January 24 (Rec. Feb. 7.)	Transmits copy of a letter from the Department for External Affairs, asking for a complete list of treaties of commerce and navigation between the United Kingdom and foreign countries in force on January 1st, 1912, showing whether or not they are applicable to Canada.	170
254	Foreign Office ...	—	February 7	Transmits copy of a note to Swiss Chargé d'Affaires, and of despatches to various British Representatives abroad, relating to withdrawal of the Dominions from the Anglo-Swiss Treaty of 1855, and to the position of Papua and Norfolk Island with regard to Commercial Treaties.	170
255	To the Governors-General and Governors.	Australia, 74; Union of South Africa, 79; New Zealand, 57; Newfoundland, 32.	February 16	Transmits copy of the enclosure in No. 249; asks that Ministers will consider the views of the Italian Government, and, if they desire to withdraw from the Treaty, that they will nominate a representative to act in the negotiation of a new Treaty.	172
256	To the Governor-General.	Canada, 119.	February 16	Transmits copies of the enclosure in No. 249 and of No. 255 for the information of Ministers.	173
257	To Foreign Office ...	—	February 19	Transmits copy of No. 253, and asks to receive the information desired by the Canadian Government.	173
258	Ditto ...	—	February 19	States, in reply to No. 250, that no useful purpose would be served by claiming, in opposition to the French view, that the additional Articles of the Treaty of 1826 with France should still be regarded as applicable to Canada; and transmits draft of a Protocol, which appears to carry out the wishes of the French Government in this matter.	174
259	Foreign Office ...	—	February 22	Transmits despatch from His Majesty's Minister at Caracas, covering a Note from the Venezuelan Government expressing their desire for the negotiation of a new Treaty in place of that of 1825, in lieu of the draft Protocol providing for the withdrawal of the Dominions.	174
260	To the Governor-General.	Australia, 99.	February 23	States action taken by His Majesty's Government to secure that when treaties cease to be applicable to the Commonwealth of Australia they may also, if desired, cease to be applicable to Papua and Norfolk Island, and asks to be informed if Ministers desire that they should so cease.	176

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1912.		
261	Foreign Office ...	—	February 26	Encloses copy of a despatch from Stockholm reporting that the Swedish Government agree that when Anglo-Swedish treaties cease to be applicable to Australia they shall also cease to be applicable to Papua and Norfolk Island; and transmits a draft note modifying the Protocol in this sense.	176
262	Ditto ...	—	February 29	Transmits copy of despatch to His Majesty's Ambassador at Paris asking that the draft Protocol enclosed in No. 258 may be submitted to the French Government, and indicating views of His Majesty's Government in regard to position of Canada and of Papua and Norfolk Island.	177
263	To Foreign Office ...	—	March 5	Concurs in the proposal in No. 261 to exchange Notes, and also in the draft note enclosed.	178
264	Foreign Office ...	—	March 8	Transmits copy of a Note to the Japanese Chargé d'Affaires placing on record the fact that the provisions of Article 1 of the Anglo-Japanese Commercial Treaty do not interfere with any immigration legislation that does not differentiate against Japanese as compared with other foreigners, and that Article 8 does not apply to Dominions or Colonies.	179
265	The Governor-General.	Union of South Africa, 86.	February 19 (Rec. Mar. 9.)	Transmits a Minute from Ministers requesting that twelve months' notice of the withdrawal of the Union Government from the Anglo-Mexican Treaty of 1888 may be given.	180
266	Foreign Office ...	—	March 12	Transmits, in reply to No. 257, list of commercial treaties with foreign Powers, indicating those which apply to Canada, and distinguishing between those which are unilateral and those which impose obligations on Canada.	180
267	Ditto ...	—	March 14	Transmits copy of despatch to Stockholm, enclosing draft note to be addressed to the Swedish Government relating to the position of Papua and Norfolk Island in regard to Anglo-Swedish Treaties.	180
268	Ditto ...	—	March 15	Forwards Note from Swiss Minister replying to the Note enclosed in No. 254, and suggesting that the proviso as to most-favoured-nation treatment should be applied to all the matters dealt with in the Treaty and not merely to the commercial clauses, and agreeing to the proposal as to Papua and Norfolk Island.	181
269	Ditto ...	—	March 16	Transmits copy of a despatch from His Majesty's Ambassador at Tokio, relative to the refusal of the Imperial Japanese Patent Bureau to register trade marks of British subjects of Canadian or Indian birth, and of a letter to the Board of Trade proposing action.	182

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1912.		
270	To Foreign Office...	—	March 16	Conveys Mr. Harcourt's views as to the form of words making provision for the application of the stipulations of international conventions to the Colonies, &c., of the various Powers.	185
271	Foreign Office ...	—	March 19	Forwards copy of despatch from His Majesty's Minister at Mexico, covering a note to the Mexican Government respecting the position of Papua and Norfolk Island and the Transvaal and Orange Free State, in the event of the withdrawal of the Commonwealth, and the Union, from the Anglo-Mexican Commercial Treaty.	185
272	To Foreign Office...	—	March 21	Transmits copy of No. 255, and requests that Mexican Government may be informed.	187
273	Foreign Office ...	—	March 29	Transmits copy of a despatch to His Majesty's Minister, Mexico, informing him of the desire of the Union Government to withdraw from the Anglo-Mexican Treaty of 1888, in respect of Natal, the Transvaal, and the Orange River Colony; and instructing him to express to the Mexican Government the hope of His Majesty's Government that they will see their way to recognize the withdrawal.	187
274	To Foreign Office...	—	April 2	Suggests, in reply to No. 268, that the Swiss Government should be asked if they have any objection to the protocol amended as indicated, providing for the withdrawal of the Dominions from the Swiss Treaty as a whole.	188
275	Ditto ...	—	April 3	Suggests, in reply to No. 259, that the Venezuelan Government be informed that if the surtax of 30 per cent., which His Majesty's Government regard as a violation of the Treaty of 1825, is removed, His Majesty's Government will be prepared to consider a new Treaty in place of the Treaty of 1825.	188
276	The Governor-General.	Union of South Africa, 111.	March 18 (Rec. April 6.)	Transmits, in reply to No. 255, Minute from Ministers, stating that they do not desire to withdraw from the Anglo-Italian Commercial Treaty of 1883.	188
277	To Foreign Office ...	—	April 9	Concurs, in reply to No. 269, in the proposal to ask the Japanese Government for an explicit statement of the grounds on which the refusal is based, and suggests that it should be pointed out to His Majesty's Ambassador that Article III of the Industrial Property Convention, 1883, has no bearing on the question of the position of British subjects connected with Colonies which have not adhered to that Convention.	189
278	Ditto ...	—	April 10	Expresses doubt as to whether the lists enclosed in No. 266 are complete, and submits observations.	189

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1912.		
279	Foreign Office ...	—	April 17	Transmits, in reply to No. 274, copy of note to the Swiss Minister stating the views of His Majesty's Government in reply to the note enclosed in No. 268, and covering a fresh protocol to meet the difficulties raised.	191
280	To Home Office ...	—	April 17	Concurs in the terms of the draft Convention with the Turkish Government as to the administration of the estates of British and Turkish subjects dying in Turkish or British territory, subject to the insertion of a provision for its separate denunciation by those Dominions to which the treaty applies on giving a year's notice, and to the amendment indicated.	192
281	Foreign Office ...	—	April 18	Forwards copy of despatch from His Majesty's Minister at Bogota reporting that he has asked the Colombian Government whether they would be prepared to grant to the self-governing Dominions the right of separate withdrawal from the Anglo-Colombian Treaty of 1866.	192
282	To the Governors-General and Governors.	Canada, 280; Union of South Africa, 192; New Zealand, 121; Newfoundland, 77.	April 19	Notifies extension of the operation of the Commercial Treaty with Honduras for one year, <i>i.e.</i> , until 6th April, 1913.	193
283	To Foreign Office ...	—	April 19	States that the self-governing Dominions (except Australia) are being informed that the Commercial Treaty of 21st January, 1887, with Honduras has been extended for one year until 6th April, 1913, and suggests that if there is no immediate prospect of the ratification of the new Treaty, it seems desirable to take steps for correction of the error as to notification of withdrawal of Victoria from the Treaty.	193
284	Foreign Office ...	—	April 24	Forwards copy of despatch from His Majesty's Ambassador at Paris enclosing correspondence with the French Government, showing that the latter are prepared to sign the proposed protocol; proposes to instruct Sir F. Bertie to sign the texts of the protocol in their present form.	194
285	Ditto ...	—	April 25	States that copies of Nos. 283 and 230 are being forwarded to His Majesty's Representative at Guatemala for the necessary communication to the Honduran Government.	195
286	Ditto ...	—	April 30	Transmits copy of a despatch from His Majesty's Minister at Buenos Aires covering a note from the Argentine Government with reference to the withdrawal of the self-governing Dominions from the Treaty of 1825, stating that they would prefer that the entire Treaty should be abrogated and that a new Treaty more in consonance with modern requirements should be substituted for it.	196

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1912.		
287	Foreign Office ...	—	May 1	Forwards despatch from the British Minister at Mexico covering copy of his note to the Mexican Government notifying the desire of the Union of South Africa to terminate the Anglo-Mexican Treaty of 1888, so far as concerns those of its Provinces to which the Treaty is applied.	197
288	Ditto ...	—	May 7	Transmits, with reference to No. 263, despatch from His Majesty's Minister at Stockholm covering note from the Swedish Government accepting the proposals of His Majesty's Government.	198
289	To Foreign Office ...	—	May 9	Agrees, in reply to No. 284, that His Majesty's Ambassador at Paris should be instructed to sign the French and English texts of the proposed protocol.	199
290	Ditto ...	—	May 10	Draws attention to the undesirability of using in the "Colonial" Article in international instruments any language which might imply that His Majesty's Government regard the self-governing Dominions as having any international status, and suggests, with reference to the proposed convention with Turkey as to the administration of the estates of deceased Ottoman subjects in British Dominions, that the Article should be modified as indicated.	199
291	Foreign Office ...	—	May 17	Transmits copy of a note to the Turkish Ambassador requesting amendment of Article IV of the draft convention respecting the administration of the estates of Ottoman subjects dying in British Dominions to provide for the separate withdrawal of the Dominions on giving twelve months' notice.	200
292	Ditto ...	—	May 18	Transmits copy of a communication from the Japanese Embassy, in reply to the note enclosed in No. 264, stating that the Japanese Government agree on the whole to the interpretation of the Articles in question, but ask for certain alterations in their wording; proposes to agree to the alterations suggested.	201
293	Ditto ...	—	May 21	Transmits copy of a despatch from His Majesty's Minister at Bogota stating that the Colombian Government have no objection to signing the draft protocol, which would have to be referred to Congress, but asking before signing it what means they have of denouncing the new engagement, and also by what countries the protocol has already been signed; enquires what reply should be returned.	201
294	Ditto ...	—	May 21	Transmits revised draft Model Commercial Treaty and asks for observations thereon.	202

Serial No.	From or to whom.	Despatch No. &c.	Date.	Subject.	Page.
			1912.		
295	Foreign Office ...	—	May 23	Forwards, with reference to No. 286, copy of a letter from the Board of Trade stating that they see no objection from a commercial point of view to the negotiation with the Argentine Government of a new Treaty on the lines of the Model Draft Commercial Treaty, and suggesting that that Government should be asked to grant to the Dominions the right of separate withdrawal in respect of the Treaty of 1825, pending the negotiation of the new Treaty.	207
296	Ditto ...	—	May 23	Transmits copy of a note from the Swiss Minister stating that his Government agree to the draft protocol subject to the insertion of a stipulation providing that, in case of withdrawal from the Treaty, most-favoured-nation treatment shall continue between the Dominion withdrawing and Switzerland until one or the other of the parties has declared in advance its intention to terminate the arrangement.	208
297	Ditto ...	—	May 23	Transmits copy of a despatch from His Majesty's Minister at Copenhagen reporting that the draft protocol has been signed, and enclosing copy of the protocol in the form signed and of correspondence with the Danish Government.	209
298	To Foreign Office...	—	May 31	Suggests, in reply to No. 293, that the Colombian Government should be informed that His Majesty's Government have no objection to make the engagement reciprocal, and asked to sign instead a draft protocol in the form agreed upon in the case of the Danish Treaty; suggests also that they be informed of the Powers which have agreed to sign similar protocols.	212
299	Ditto ...	—	June 1	Asks, in reply to No. 297, for a copy of the protocol with signatures attached for transmission to the Dominions.	212
300	Ditto ..	—	June 6	States, in reply to No. 296, that Mr. Harcourt would have preferred that the six or twelve months' notice of the withdrawal of most-favoured-nation treatment should have been given at the same time as the notice of withdrawal from the Treaty; but if it is considered inadvisable to press this point Mr. Harcourt sees no objection to the signature forthwith of the protocol as proposed by the Swiss Government.	212
301	Foreign Office ...	—	June 10	Forwards copy of a despatch to His Majesty's Minister at Bogot in the sense of No. 238.	213

Serial No.	From or to whom.	Despatch No. &c.	Date.	Subject.	Page.
			1912.		
302	To Foreign Office...	—	June 12	Agrees, in reply to No. 286, to the negotiation of a new Treaty with the Argentine Republic, on the basis of the Treaty enclosed in No. 294 with the amendments indicated; concurs in suggestion that the Argentine Government should be asked, pending the conclusion of the new Treaty, to agree to an arrangement permitting the self-governing Dominions to terminate the Treaty, and asks that the use of the word "withdrawal" may be avoided in any representations.	214
303	To the Governor-General.	Australia, 249.	June 12	Transmits copy of the enclosure in No. 288.	214
304	Foreign Office ...	—	June 13	Considers that the Peruvian Treaty imposes no obligation on the Dominions to grant Peru any special tariff privileges, and does not, therefore, come within the scope of the Conference resolution; but suggests that steps should be taken to secure the power of withdrawal in respect of the Costa Rican Treaty, which imposes on the Dominions obligations of the kind against which the resolution is more particularly directed.	215
305	Ditto ...	—	June 13	Forwards, with reference to No. 278, a further list of unilateral Treaties, securing benefits to Canada without corresponding obligations, which is now believed to be correct, and a revised list of Treaties imposing obligations on Canada; leaves it to Colonial Office to decide whether the former should be sent to Canada; remarks respecting certain Treaties referred to in No. 278.	215
306	To Foreign Office...	—	June 17	Submits, in reply to Nos. 264 and 292, observations on the interpretation placed upon Article I of the Anglo-Japanese Treaty.	216
307	Foreign Office ...	—	June 19	Transmits copy of a note to the Swiss Minister accepting the wording of the draft Protocol suggested by the Swiss Government subject to a stipulation that only six months' notice need be given in order to terminate the provisional system of most-favoured-nation treatment.	217
308	To the Governors-General and Governors.	Canada, 422; Australia, 262; Union of South Africa; 295; New Zealand, 181; Newfoundland, 124.	June 21	Transmits copies of a declaration between the United Kingdom and Denmark, signed on the 9th day of May, respecting the application of the existing Anglo-Danish Treaties of Commerce to the self-governing Dominions [and (to Australia only) points out that provision has been made that Treaties ceasing to be applicable to Australia cease also to be applicable to Norfolk Island and Papua if so desired by either of the contracting Powers].	217

(b) CONCLUSION OF COMMERCIAL AGREEMENTS BY THE DOMINIONS.

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1911.		
209	Sir W. Laurier ...	Canada	May 21	Embodies telegram from Mr. Fielding reporting that an Act has been passed for continuing in the Dominion for a period not exceeding two years the favoured-nation treatment at present enjoyed by Japan, subject to a reciprocal concession by Japan, and asking that the wishes of His Majesty's Government may be obtained as to the method of recording the arrangement.	218
310	To Sir W. Laurier	Canada	May 23	Considers that the proper procedure is to record the arrangement through the diplomatic channel.	218
311	To Foreign Office...	Canada	May 23	Transmits copies of Nos. 309 and 310, and asks that the Japanese Ambassador may be communicated with accordingly.	218
312	Foreign Office ...	Canada	May 26	Proposes to notify Japanese Ambassador of decision of Dominion Government not to adhere to new Treaty, and of suggestion that existing most-favoured-nation treatment should be mutually extended by Japan and Canada for not more than two years; proposes to inform M. Kato that it would be more convenient if matter were dealt with through the proper diplomatic channel and not through the Japanese Consul-General at Ottawa.	219
313	To the Governor-General.	Canada, Confidential.	May 27	Encloses copies of Nos. 309, 310, and 311	219
314	The Governor-General.	Canada, Telegram.	(Rec. May 28)	Furnishes summary of Act of Parliament providing for the continuance for a period of two years of the reciprocal tariff privileges between Canada and Japan; understands that Japan will grant Canada reciprocal advantages required by Section 3, but considers that assurance of this should be obtained from Japanese Government in such manner as His Majesty's Government may deem best.	220
315	To Foreign Office...	Canada	May 31	Transmits copy of No. 314, and asks that an assurance in the sense of Section 3 of Canadian Act be obtained from the Japanese Government; prefers to postpone statement as to action of Japanese Consul at Ottawa until it is known whether Sir W. Laurier proposes to raise the general question of the position of Consuls in the Dominions.	220
316	Foreign Office ...	Canada	June 7	Transmits copy of note to the Japanese Ambassador conveying the decision of the Canadian Government not to adhere to the Anglo-Japanese Treaty of Commerce, but offering to extend the present reciprocal arrangement as to tariff privileges for a period of two years, and asking for an assurance of reciprocity on the part of the Japanese Government.	221

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1911.		
317	Foreign Office ...	Canada	June 10	Transmits copy of note by the Japanese Ambassador stating that his Government are prepared to accord most-favoured-nation treatment to Canadian goods on condition of reciprocity for a period of two years, and to negotiate a new Commercial Treaty in the meantime, and suggesting that the agreement be concluded through the usual channels, and asks whether Mr. Harcourt concurs in the Japanese proposal.	222
318	To Sir W. Laurier ..	Canada	June 14	Encloses copy of enclosures in Nos. 316 and 317; proposes to inform Sir E. Grey that it is agreed that the arrangement should be concluded as suggested by the Japanese Government.	222
319	To the Governor-General.	Canada, Confidential.	June 14	Transmits copies of enclosures in Nos. 316 and 317 and No. 318.	223
320	To Foreign Office ...	Canada	June 14	Transmits copies of Nos. 318 and 319 ...	223
321	Foreign Office ...	Canada	June 28	States that the Japanese Government desire to record, either by an exchange of notes or in a Treaty, the arrangement by which Canada and Japan give each other most-favoured-nation treatment for another two years; transmits drafts of two notes to be exchanged between Sir E. Grey and the Japanese Ambassador.	223
322	To Foreign Office ...	Canada	June 30	Acknowledges the receipt of No. 321, and states that subject to the alterations indicated Mr. Harcourt sees no objection to the proposed exchange of notes.	224
323	The Governor-General.	Canada, Telegram.	(Rec. July 7)†	Reports that the Acting Prime Minister suggests that, with the view of bringing into force before the present Treaty expires on 17th July recent legislation with regard to reciprocal trade between Canada and Japan, the exchange of notes contemplated by Sir E. Grey and the Japanese Ambassador should be made forthwith, and be notified to Canada by telegraph.	225
324	To the Governor-General.	Canada, Telegram.	July 7	States, in reply to No. 323, that notes are being exchanged on 7th July, and adds that the Canadian Act should be proclaimed with effect from 17th July.	225
325	Foreign Office ...	Canada	July 8	Transmits copies of notes exchanged with the Japanese Ambassador recording the extension for two years of reciprocal arrangements with Canada, and of a telegram to His Majesty's Chargé d'Affaires at Tokyo notifying the fact.	225
326	To the Governors-General and Governors.	Canada, 601; Australia, 319; Union of South Africa, 343; New Zealand, 248; Newfoundland, 164.	July [21] [22]	Transmits copy of the Treaty concluded with Japan on 13th July, 1911.	226

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
327	The Acting Governor-General.	Canada, 411.	1911. July 16	Forwards copy of a Privy Council Order bringing into force, from 17th July, the Act respecting commercial relations between Canada and Japan.	227

(c) SEPARATE VOTING OF THE DOMINIONS AT INTERNATIONAL CONFERENCES.

328	To Foreign Office...	—	1911. May 3	Concurs in the instructions which it is proposed to give to the British delegates to the Industrial Property Conference at Washington with regard to the addition of a protocol providing for the separate adherence and withdrawal from the Convention of the self-governing Dominions, &c.; and suggests, further, that each of the Dominions should be separately represented in case of adherence, and should each have a vote.	228
329	Foreign Office ...	—	May 11	Concurs in the desirability of securing separate representation for the Dominions at future conferences relating to industrial property, and transmits copy of instructions in this sense to the Delegates.	228
330	To the Governors-General and Governors.	Canada, 768; Australia, 411; Union of South Africa, 513; New Zealand, 327; Newfoundland, 221.	September 15	Transmits copies of the Treaty of Arbitration with the United States of America signed on 3rd August, and points out that the right of obtaining the prior concurrence of the Dominions in any special agreement affecting their interests has been reserved.	229
331	To the Governors-General and Governors.	Canada, 116; Australia, 72; Union of South Africa, 77; New Zealand, 55; Newfoundland, 31.	1912. February 15	Refers to certain agreements concluded at the Industrial Property Conference at Washington, and enquires if Dominions desire to notify their accession to either of these agreements; and states that if accession is notified, and the Dominions desire to be separately represented at future conferences, His Majesty's Government will endeavour to arrange accordingly with the foreign Governments concerned.	229
332	To the Governors-General and Governors.	Canada, 157; Australia, 109; Union of South Africa, 105; New Zealand, 69; Newfoundland, 39.	March 6	Forwards copies of the Opium Convention, and points out that a reservation has been inserted for any particular Dominion, but trusts that all the Dominions will accept the Convention.	230
333	The Governor ...	Newfoundland, 22.	April 3 (Rec. Apr. 23.)	Reports that Ministers desire to adhere to the International Opium Convention.	230
334	The Governor-General.	Canada, 257.	April 27 (Rec. May. 9)	Transmits, in reply to No. 332, copy of a Privy Council Minute recommending that Canada should adhere to the Convention.	231

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
335	To Foreign Office ...	—	1912. May 25	Discusses the question of the mode of accrediting the representatives of the self-governing Dominions at the forthcoming International Radio-telegraph Conference, and considers that the only course to follow is to issue full powers separately to the representatives of each Government appointing them to represent that Government and empowering them to vote on its behalf.	231
336	Ditto ...	—	June 28	Invites attention to the inconvenience caused by the wording of the Radio-telegraphic Convention of 1906, whereby each group of Colonies is considered as a country for the purposes of voting at the Conferences, and must, therefore, be granted full powers; and suggests that in future Conventions, under which separate voting power and representation are to be obtained for the Dominions care should be taken to avoid the necessity for granting full powers.	232

18.

(RESOLUTION XX.): ROYAL COMMISSION AS TO NATURAL RESOURCES AND IMPROVEMENT OF TRADE OF THE EMPIRE.

337	To the Governors-General and Governors.	Canada, 616; Australia, 319; Union of South Africa, 350; New Zealand, 254; Newfoundland, 170.	1911. July 27	Transmits copy of a resolution passed by the Imperial Conference for the appointment of a Royal Commission to inquire into the natural resources and means of improving the trade of the Empire; asks whom it is proposed to nominate as the representative of the Dominion on the Commission, and the date at which it would be convenient that it should commence its labours.	233
338	The Governor-General.	Canada, Telegram.	(Rec. Aug. 28.)	Reports that Ministers recommend Mr. Peter Charles Larkin as Canadian representative.	234
339	Ditto ...	Canada, 477.	August 31 (Rec. Sept. 18.)	Transmits copy of a letter from the Secretary of State for External Affairs recommending the appointment of Mr. Peter Charles Larkin, of the City of Toronto, as Canadian representative.	234
340	To the Governor-General.	Canada, 799.	September 27	Acknowledges receipt of Nos. 338 and 339, and accepts the nomination of Mr. P. C. Larkin as Canadian representative.	234
341	To the Governors-General and Governors.	Australia, 423; Union of South Africa, 531; New Zealand, 336; Newfoundland, 227.	September 27	Inform them that the Canadian Government have nominated Mr. Peter Charles Larkin, of the City of Toronto, as their representative on the Royal Commission.	235
342	To Board of Trade	—	September 30	Transmits copies of Nos. 337 to 341 ...	235

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1911.					
343	The Governor ...	Newfoundland, 102.	November 14 (Rec. Nov. 27.)	Forwards minute from Ministers asking for further information on the points specified before nominating a representative on the Commission.	235
344	To the Governor ...	Newfoundland, Confidential.	December 11	Explains, in reply to No. 343, that the movements of the Commission must depend upon the members of the Commission, but will probably take the form of three separate visits to the Dominions; but the order in which these visits will be made cannot yet be anticipated.	236
345	The Governor-General.	Canada, Telegram.	(Rec. Dec. 13)	Reports that Ministers' attention has been called to statement in House of Commons as to representation of Canada upon the Royal Commission; they point out that no Order in Council embodying recommendation has been passed, and hope that no action will be taken until they have had opportunity of expressing their views, as they consider it very important that Canada should be adequately represented.	237
346	To the Governor-General.	Canada, Telegram.	December 14	Informs him that the Prime Minister stated in Parliament that it was proposed to have one member from each Dominion and six from the United Kingdom; these numbers were agreed upon at private conference with Dominions representatives, and asks whether it is to be understood that Ministers do not concur in the selection of Mr. Larkin, and desire to make other proposals.	237
347	The Governor-General.	Canada, Telegram.	(Rec. Dec. 19)	States that Ministers do not concur in selection of Mr. Larkin and desire to make other proposals, and ask what time is available for this purpose.	237
348	To the Governor-General.	Canada, Telegram.	December 23	Hopes that Ministers may be able to select Commissioner by end of February.	238
349	The Governor-General.	Canada, Telegram.	(Rec. Dec. 30)	States that Ministers will make selection of Commissioner before end of February.	238
1912.					
350	The Governor ...	Newfoundland, Telegram.	(Rec. Jan. 4)	Enquires what date representative should leave for England, and whether it will be essential for him to attend the first meeting in London.	238
351	To the Governors-General and Governors.	Australia, Union of South Africa, New Zealand, Newfoundland, Telegram.	January 4	Informs them that Canadian Government has decided to substitute another representative for Mr. Larkin; asks them to telegraph name of representative of their respective Government not later than end of February.	238
352	To the Governor ...	Newfoundland, Telegram.	January 11	Informs him that it is hoped that Commission will assemble in the United Kingdom in the spring, and as it will probably desire to settle procedure at the outset all members should be present.	239

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1912.					
353	The Governor-General.	Union of South Africa, 939.	December 20, 1911 (Rec. Jan. 13, 1912.)	Transmits copy of Ministers' Minute concurring in suggestions in paragraphs 4 and 6 of No. 341; they are not yet prepared to nominate Union representative and consider April or May convenient for Commission to commence its labours.	239
354	To Board of Trade	—	January 25	Encloses draft terms of reference to the Royal Commission, which involves modification of Resolution of the Conference, as the Commission was not intended to take any evidence as to the resources of the United Kingdom; and asks for views of Board on the points mentioned.	239
355	The Governor ...	New Zealand, Telegram, Confidential.	(Rec. Jan. 30)	States that Prime Minister wishes to know how the expenses of the Commission are to be defrayed; and what will be the basis of contribution.	241
356	To the Governors-General and Governor.	Canada, Australia, Union of South Africa, Newfoundland, Telegram.	February 5	Informs them that New Zealand has raised question of apportionment of expenses; states what Mr. Harcourt understands to be the agreement arrived at, and what His Majesty's Government propose to do in respect of their representatives.	241
357	To the Governors-General and Governor.	Australia, Union of South Africa, New Zealand, Telegram.	February 5	Submits draft terms of reference to the Commission, and asks for Minister's views by telegraph.	241
358	To the Governor ...	New Zealand, Telegram.	February 5	States what Mr. Harcourt understood to be the agreement arrived at, and what His Majesty's Government will do in respect of its representatives.	242
359	To the Governor-General and Governor.	Canada, 89, Newfoundland, 25.	February 6	Encloses draft reference to the Royal Commission, and asks for views of Ministers by telegraph.	242
360	To Treasury ...	—	February 8	Submits observations on the question of apportionment of expenses of the Commission; and suggests that the United Kingdom should defray the whole of the expense of providing office accommodation and secretarial staff in this country, the remainder of the expenses being divided as already arranged.	243
361	The Governor ...	New Zealand, Telegram.	(Rec. Feb. 11.)	States that Prime Minister would be glad to know probable duration of the Commission.	243
362	The Governor-General.	Canada, Telegram.	(Rec. Feb. 14.)	States that Canadian Government are prepared to pay one-sixth of general expenses of Commission, and the expenses of their own representatives.	244
363	The Governor ...	Newfoundland, Telegram.	(Rec. Feb. 14.)	States that the Hon. Edgar Bowring has been nominated as Newfoundland representative on Royal Commission, and he will pay his own expenses.	244

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1912.					
364	The Governor-General.	Union of South Africa, Telegram.	February 15 (Rec. Feb. 15.)	States that Ministers will communicate name of Union representative before the end of February, and that they agree in the views expressed in Nos. 356 and 357, as to terms of reference and general expenses of Commission.	241
365	To the Governor ...	New Zealand, Telegram.	February 15	States what the itinerary of the Commission is expected to be, and the duration of its visits, but adds that final decision must rest with the Commission.	244
366	Treasury ...	—	February 24	Sanctions action taken in negotiating with the United Kingdom members of the Commission, and concurs generally in proposals for apportionment of general expenses, on the condition that only the cost of office accommodation in this country is to be defrayed by His Majesty's Government, the rest of expenses, including cost of secretarial staff, to be divided as arranged.	245
367	The Governor ...	Newfoundland, 7.	February 14 (Rec. Feb. 26.)	Notifies appointment of the Hon. Edgar Bowring as Newfoundland representative on the Royal Commission, and encloses copy of Prime Minister's minute deprecating the apportionment proposed in No. 356; suggesting that it should be based on population, and asking for further information.	245
368	The Governor-General.	Union of South Africa, Telegram.	February 28 (Rec. Feb. 28.)	States that his Ministers desire to nominate Sir D. Graaff to represent the Union, and enquire the latest date on which he may leave South Africa.	246
369	Ditto ...	Canada, Telegram.	(Rec. Mar. 1)	Reports, in reply to No. 359, that Ministers prefer inclusion of the United Kingdom in the enquiry, omission of the words "other than fiscal," and removal of restrictions upon suggestion of the Commission regarding methods for the extension of trade.	246
370	Ditto ...	Australia, Telegram.	(Rec. Mar. 2)	Reports that Mr. D. Campbell has been selected to represent the Commonwealth on the Royal Commission, and that Ministers concur in the terms of reference suggested in No. 357.	247
371	The Governor ...	New Zealand, Telegram.	(Rec. Mar. 2)	States that his Prime Minister desires to postpone giving the name of the New Zealand representative for three weeks.	247
372	The Governor-General.	Canada, Telegram.	(Rec. Mar. 5)	States that the Hon. George Eulas Foster, Minister of Trade and Commerce, is recommended as representative of Dominion on Royal Commission.	247
373	To the Governor-General.	Canada, Telegram.	March 5	States, in reply to No. 369, that the restriction cannot be omitted as suggested; and that it was understood by the Conference that the enquiry should not extend to the United Kingdom.	247

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1912.					
374	The Governor-General.	Australia, Telegram.	(Rec. Mar. 8.)	States that the Australian Government agree to pay one-sixth of the general expenses of the Royal Commission.	248
375	Ditto ...	Union of South Africa, 85.	February 19 (Rec. Mar. 9.)	Transmits Minister's minute agreeing with Secretary of State's views as to the terms of reference and general expenses of the Commission, and stating that name of representative will be submitted before the end of February.	248
376	To the Governor ...	New Zealand, Telegram.	March 11	Agrees, in reply to No. 371, to the postponement of the selection of the New Zealand representative.	249
377	The Governor ...	Newfoundland, Telegram.	(Rec. Mar. 12)	Reports, in reply to No. 359, that the modifications suggested are satisfactory to his Ministers.	249
378	To the Governor-General.	Union of South Africa, Telegram.	March 12	States, in reply to No. 368, that Commission will probably not hold its first meeting before the middle of May; but definite information will be sent as soon as possible.	249
379	To Board of Trade	—	March 13	Submits list of representatives on the Royal Commission nominated by the self-governing Dominions, and requests observations on No. 354.	249
380	The Governor-General.	Australia, Telegram.	(Rec. Mar. 14)	States that June will be convenient to the Australian Government for the Commission to be commenced; Ministers ask for names of delegates representing His Majesty's Government and the Dominions, and as to appointment of a Chairman.	250
381	Board of Trade ...	—	March 15	Submits observations in reply to No. 354	250
382	To Treasury ...	—	March 15	Transmits copy of No. 367, and suggests that any amount in excess of £500 of the expenses chargeable to Newfoundland in any year might be met from Imperial Funds.	251
383	The Governor-General.	Union of South Africa, 117.	February 28 (Rec. Mar. 16.)	Forwards copy of Minister's minute notifying the appointment of Sir D. P. de Villiers Graaff as the Union representative on the Commission, and asking the latest date on which he can leave South Africa.	251
384	Ditto ...	Canada, 103.	March 4 (Rec. Mar. 18.)	Transmits Minute from Ministers pointing out that in the draft terms of reference enclosed in No. 359 Resolution XX has been departed from in respect of the exclusion of the United Kingdom from the scope of the enquiry and the restrictions placed upon enquiry into fiscal legislation, and requesting amendment of the draft terms of reference accordingly.	252
385	Ditto ...	Canada, 104.	March 5 (Rec. Mar. 18.)	Forwards copy of Privy Council minute recommending the Hon. G. E. Foster as representative of the Dominion.	254

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1912.					
386	To the Governor-General.	Australia, Telegram.	March 19	States, in reply to No. 380, that Mr. G. E. Foster will represent Canada, Sir David Graaff South Africa, and the Hon. Edgar Bowring Newfoundland, and that the names of representatives of His Majesty's Government and New Zealand will be announced shortly.	255
387	Ditto ...	Canada, Telegram.	March 23	States that His Majesty's Government have carefully considered Ministers' minute enclosed in No. 384, but regret they cannot concur in modification of terms of reference, which have been accepted by other Dominions; asks whether it may be assumed that Ministers accept terms as they stand and that their recommendation is maintained.	255
388	To the Governor ...	New Zealand, Telegram.	March 26	Asks when name of New Zealand representative may be expected.	255
389	Treasury ...	—	March 27	Concurs in the proposal in No. 382, on the condition that no cost in respect of the Newfoundland representative's expenses, and of any Secretary accompanying him, will fall on His Majesty's Government.	255
390	The Governor ...	New Zealand, Telegram.	(Rec. Mar. 28)	Reports that Prime Minister recommends Sir J. Ward as New Zealand representative.	256
391	To the Governor-General.	Canada, 220.	March 28	States reasons for which his Majesty's Government are unable to agree to the modifications of the terms of reference desired by his Ministers.	256
392	The Governor-General.	Canada, Telegram.	(Rec. Apr. 2)	States, in reply to No. 387, that, in view of agreement reached by the other Governments, the Canadian Government, though still retaining their views, do not care to persist in them, and the recommendation of Mr. Foster is maintained.	257
393	To the Governors-General and Governor.	Canada, 240; Australia, 154; Union of South Africa, 168; New Zealand, 104.	April 4	Informs them of the special arrangement in regard to Newfoundland for apportionment of general expenses of the Commission.	257
394	To the Governor ...	Newfoundland, 65.	April 4	Informs him, in reply to No. 367, of the terms proposed by His Majesty's Government in the case of Newfoundland.	258
395	To the Governor-General.	Canada, 256.	April 11	Acknowledges receipt of No. 392 and states that His Majesty's Government appreciate attitude assumed by Ministers.	258
396	To Board of Trade	—	April 19	States, in reply to No. 381, the position of affairs in regard to the Commission, and suggests that an officer of the Board of Trade should be appointed as Assistant Secretary to the Commission to assist in the preparation of the necessary statistical material.	258

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1912.					
397	The Governor ...	Newfoundland, Telegram.	(Rec. Apr. 29)	Reports that Ministers consider the proposals in No. 394 quite satisfactory.	259
398	To the Governors-General and Governor.	Canada, 323; Australia, 199; Union of South Africa, 227; New Zealand, 139.	May 10	Acknowledges Nos. [372 and 385] [370] [383] [390] and refers to telegram of April 3 giving names of Commissioners.	259
399	The Governor ...	New Zealand, Telegram.	(Rec. June 8)	Reports that Sir J. Ward has resigned his position as New Zealand representative on the Commission owing to decision to sit first in England and then in Canada; adds that he is urging that appointment be filled up as soon as possible.	260
400	To the Governor ...	New Zealand, Telegram.	June 14	States, in reply to No. 399, that Sir J. Ward has been incorrectly informed and that it has always been intention to visit Australia and New Zealand first, and that Commission will arrive in Australia about end of February; asks to know name of new representative.	260
400A	The Governor ...	New Zealand, Telegram.	(Rec. June 22)	States that Ministers recommend Hon. J. R. Sinclair as New Zealand representative on the Commission in place of Sir J. Ward.	260

Appendix: Extracts from the proceedings of the Imperial Conference, 1911, relating to the Royal Commission on Trade and Development to be appointed under the XXth Resolution of the Conference ... 261

19.

(RESOLUTIONS XXI. and XXII.): MAIL COMMUNICATION; TRADE AND POSTAL COMMUNICATIONS AND SHIPPING CONFERENCES OR COMBINES.

1911.					
401	To the Board of Trade and General Post Office.	Confidential.	May 1	Transmits copies of memoranda on the subject of the All-Red route; states that copies have been sent to Governments of Canada and Newfoundland, and to the representatives of New Zealand at the Imperial Conference, and that copies will be sent to the representatives of the other Dominions on their arrival in this country.	279
402	—	—	January 15 (Received in Colonial Office, June 9.)	Agreement between the Government of Canada and the Union Steamship Company of New Zealand for a regular steamship service between Vancouver and Auckland.	279
403	To the Governors-General and Governors.	Canada, 640; Australia, 333; Union of South Africa, 370; New Zealand, 264; Newfoundland, 179.	August 2	Transmits copy of resolution passed at the Imperial Conference on the subject of the promotion of trade and postal communications between Great Britain and the overseas Dominions.	284

(RESOLUTION XXIV.): UNIFORMITY OF LAW AS TO ALIEN IMMIGRATION EXCLUSION.

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1911.		
404	To the Governors-General and Governors.	Canada, 621; Australia, 322; Union of South Africa, 355; New Zealand, 256; Newfoundland, 171.	July 28	Transmits copy of resolution passed at the Imperial Conference on the question of the exclusion of alien immigration; and states that the matter will be referred to the Royal Commission which is to be set up in accordance with a resolution of the Conference.	285
			1912.		
405	Ditto ...	Canada, Australia, Union of South Africa, New Zealand, Newfoundland. Telegram.	June 19	States that the Royal Commission has been considering the question of alien immigration legislation, and that United Kingdom members are ready, if necessary, to deal with it, but Dominion members consider it better to leave it alone; asks for Ministers' views.	285
406	The Governor-General.	Union of South Africa. Telegram.	June 22 (Rec. June 22.)	States that Ministers cannot concur in the reference to the Commission of the question of alien immigration legislation in the Dominions.	286
407	The Governor ...	New Zealand. Telegram.	(Rec. June 27.)	States that Ministers do not consider it necessary that question of alien immigration should be discussed by the Royal Commission.	286

(RESOLUTION XXV.): MUTUAL ENFORCEMENT OF JUDGEMENTS AND ORDERS OF COURTS OF JUSTICE, INCLUDING JUDGEMENTS AND ORDERS AS TO COMMERCIAL ARBITRATION AWARDS.

			1911.		
			—		
408	Board of Trade ...	—	August 17	Suggests that the Lord Chancellor's Secretary should now be consulted not only as to the nature of the proposals to be submitted to the Dominion Governments, but also as to the steps to be taken to give effect to them in this country.	287
409	To Board of Trade	—	August 23	Acknowledges receipt of No. 408; states that the Lord Chancellor is being asked for his views on the subject.	287
410	To the Lord Chancellor.	—	August 23	Requests that the attention of the Lord Chancellor may be invited to the discussion at the Imperial Conference, and that he may be asked for an expression of his views on the questions raised.	287

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1912.		
411	The Lord Chancellor	—	February 9	Sees no objection to draft despatch which it is proposed to send to the Dominions, but suggests that Colonies should be asked to interpret the expression "commercial awards," and how they would provide the authority for confirming them; thinks that the Statutes of this country for mutual enforcement of judgements do not include awards; and suggests that provision should be made so that an Order in Council may introduce any modifications and restrictions necessary for the different Colonies.	288
412	To Board of Trade	—	February 22	Transmits copies of correspondence with the Lord Chancellor, together with a draft despatch to the Dominions and Australian States showing alterations suggested by the Lord Chancellor, on the subject of the measures taken to give effect to the resolution.	288
413	Board of Trade ...	—	March 11	Considers it preferable that the Dominion Governments should be furnished with, rather than asked to suggest, any explanation of the words "commercial awards" that may be deemed necessary and suggests amendment of draft despatch.	289
414	To the Governors-General and Governors.	Canada, 218; Australia, 138; New South Wales, 45; Victoria, 39; Queensland, 39; South Australia, 35; Western Australia, 37; Tasmania, 32; Union of South Africa, 153; New Zealand, 95; Newfoundland, 59.	March 27	Transmits copy of the Resolution passed at the Imperial Conference; states that His Majesty's Government are prepared to introduce legislation into the Imperial Parliament to give effect to the Resolution; and requests that Ministers will consider whether they are prepared to accept the principle recommended, and, if so, to submit any suggestions as to the terms of the Bill.	290
415	The Governor-General.	Canada, 294.	May 15 (Rec. May 27.)	Transmits Privy Council Minute stating that proposals of His Majesty's Government are quite satisfactory so far as the Dominion Courts of Law are concerned.	291
416	To the Governors-General and Governors.	Australia, 252; New South Wales, 87; Victoria, 77; Queensland, 69; South Australia, 66; Western Australia, 72; Tasmania, 59; Union of South Africa, 286; New Zealand, 175; Newfoundland, 120.	June 13	Transmits copy of No. 415 ...	292

(RESOLUTION XXVI.): SUEZ CANAL DUES.

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
417	To the Governors-General and Governors.	Canada, 632; Australia, 329; Union of South Africa, 366; New Zealand, 262; Newfoundland, 177.	1911. July 28	Transmits copy of a resolution passed by the Imperial Conference as to the Suez Canal dues, and states that it is receiving the close attention of His Majesty's Government.	293

THE QUESTION OF ASIATICS IN THE DOMINIONS.

[NOTE.—Correspondence as to the Treatment of Asiatics in the Dominions will be found in Dominions Nos. 21 and 44, and as to the Treatment of Asiatics in South Africa in South African Office and Parliamentary Papers.]

418	India Office ...	Confidential.	1911. May 11	Transmits copy of telegram from the Government of India conveying their views on the position of British Indians in the self-governing Dominions; and agrees that it is desirable that the inter-departmental Committee should meet again shortly.	295
419	To Sir W. Laurier...	Canada	May 23	Transmits copy of a petition from the Hindu Friends Society of Victoria, British Columbia, addressed to the Imperial Conference, for observations.	296
420	To India Office ...	Canada	May 23	Transmits copy of the petition enclosed in No. 419, and states that it is proposed to send copy to Sir W. Laurier upon his arrival in this country for his observations.	296
421	India Office ...	Confidential.	May 29	Transmits copy of further correspondence with the Indian Government on the subject of the suggestion of the latter that Australia and South Africa should adopt the Canadian passport system with regard to temporary British Indian visitors.	296
422	To India Office ...	—	June 8	Points out, in reply to No. 418, that the Indian Government seem not to correctly apprehend the provisions of the Canadian Immigration Act; and trusts that they will withdraw their objections to the passport system as applied in Australia, which works smoothly and is preferable to the Canadian law as it stands; points out, with regard to South Africa, that the issue of permits under Section 25 of the Bill would appear to apply only to persons who would otherwise be prohibited immigrants.	298

THE LAW OF CONSPIRACY.

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
423	To Board of Trade and Home Office.	—	1911. May 6	Transmits copies of despatches from the Governors of Hong Kong and the Straits Settlements concerning the Australian resolution to be submitted to the Conference regarding the law of conspiracy; asks for observations at an early date.	299
424	Home Office ...	—	May 12	States that Mr. Churchill is not aware of any reason for extending the law of conspiracy in the direction indicated so far as the United Kingdom is concerned, but will give careful consideration to any suggestions that may be made.	299
425	Board of Trade ...	—	May 16	Transmits copies of a memorandum on certain points arising out of the Australian resolution.	299
426	To the Governor ...	Hong Kong, 251.	August 23	Asks that steps may now be taken to carry out the proposal made in his previous despatch to amend the law of Hong Kong, so as to enable the Court to deal with persons who traffic in the identification papers of returned emigrants from Australia.	301
427	To the Acting Governor.	Straits Settlements, 231.	August 23	Concurs generally in the views expressed in the Governor's despatch of 28th March, but suggests the desirability of asking the Legislature to increase the penalty for stowing away.	301
428	To the Governor-General.	Australia, 523.	December 8	Requests him to inform Ministers that in the new Straits Settlements Merchant Shipping Ordinance, the penalty for stowing away will be increased.	302

DEATH DUTIES.

429	To Treasury ...	—	1911. July 19	Asks whether Treasury can now intimate their views on the proposal of the Union of South Africa before the recent Imperial Conference, that the principle applied to death duties by Section 20 of the Finance Act of 1894 be extended to Income Tax.	303
430	Treasury ...	—	October 12	Regrets that the Treasury have not felt able to accept the suggestion.	303
431	To the Governors-General and Governors.	Canada, 852; Australia, 460; Union of South Africa, 572; New Zealand, 366; Newfoundland, 242.	October 20	Forwards copy of No. 430 ...	303

IMPERIAL EDUCATION CONFERENCE, 1911.

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1912.		
432	Board of Education	—	April 3	Refers to the recommendation of the Imperial Education Conference of 1911 for the appointment of a Committee in connexion with the Conference of Imperial and Colonial representatives, and requests that the Dominions may be asked to nominate the High Commissioner, Agent General, or some other official to serve on the Committee.	305
433	To the Governors-General and Governors.	Canada, 281; Australia, 176; New South Wales, 53; Victoria, 50; Queensland, 45; South Australia, 43; Western Australia, 44; Tasmania, 39; Union of South Africa, 193; New Zealand, 122; Newfoundland, 78.	April 19	Transmits copy of No. 429, and enquires what official his Government propose to nominate to serve on the Committee.	305
434	The Governor-General.	Union of South Africa, 324.	May 29 (Rec. June 15.)	Transmits, in reply to No. 433, minute from Ministers stating that the High Commissioner will be nominated to represent the Union on the proposed Committee.	307
435	Ditto ...	Canada, 327.	June 8 (Rec. June 21.)	Transmits minute from Minister concerned nominating the High Commissioner to represent Canada on the proposed Committee, and asking whether it is desired that the invitation shall be extended to the Provincial Governments.	307

27.

MARRIAGE FACILITIES.

			1911.		
436	To the Governors-General and Governors.	Canada, 717; Australia, 381; Union of South Africa, 478; New Zealand, 301; Newfoundland, 203.	August 25	Requests that Ministers attention may be invited to the correspondence printed in [Cd. 5273] as to the desirability of facilitating marriages between persons resident in this country and the overseas Dominions, and asks for any suggestions which they may have to offer regarding the draft Bill.	309
437	The Acting Governor.	Newfoundland, 93.	October 17 (Rec. Oct. 31.)	Forwards letter from the Attorney General stating his opinion that the proposed Bill will not interfere with the legislative powers of the Newfoundland Parliament in relation to the solemnization of marriage.	309

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1911.		
438	The Governor-General.	Union of South Africa, 821.	October 27 (Rec. Nov. 18.)	Transmits minute from Ministers stating that they have no suggestions to offer with regard to the Bill.	310
439	Ditto ...	Australia, 200.	November 1 (Rec. Dec. 4.)	Forwards opinion of the Attorney-General stating that there is no objection on constitutional grounds to the Bill referred to in No. 436, and that the question of reciprocal legislation on the lines of the draft Bill should be left to the States as the Commonwealth Government does not contemplate legislation on the subject.	310
440	To Registrar-General.	Australia	December 8	Transmits, for observations, copy of No. 439.	311
			1912.		
441	To the Governor-General and Governor.	Canada, New Zealand, Telegram.	February 9	Asks whether Ministers have any observations to offer on the draft Bill.	312
442	Registrar-General...	Australia	February 13	Expresses satisfaction at the prospect of reciprocal legislation on the part of the various Australian States and suggests amendment to Section 1 of draft Bill to meet the criticism of the drafting by the Australian Government.	312
443	The Governor ...	New Zealand, Telegram.	(Rec. Feb. 14)	Reports, in reply to No. 441, that his Government have no suggestions to offer, but doubt whether Bill will serve any useful purpose in New Zealand.	312
444	To Registrar-General.	—	February 29	Encloses, in reply to No. 442, redraft of the Bill, together with copy of No. 443.	313
445	To the Governor-General.	Canada, Telegram.	March 22	States that it is proposed to introduce the Bill referred to in No. 436 into Parliament, and asks to know if Ministers have any objection to offer.	313
446	To Treasury ...	—	March 30	Transmits, with explanatory memorandum, draft of proposed Imperial Bill, and requests that it may be examined by the Parliamentary Counsel.	314
447	The Governor-General.	Canada, Telegram.	(Rec. April 27)	Reports views of Provincial Governments on draft Bill enclosed in No. 436.	314

28.

RADIO-TELEGRAPHIC CONVENTION.

			1911.		
448	The Governor ...	Newfoundland, 45.	June 13 (Rec. July 1)	Transmits copy of a letter from the Deputy Colonial Secretary stating that, for the reason that certain provisions of a contract with the Marconi Company are not in agreement with the Convention, Ministers do not desire to adhere to the Convention at present.	315

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
449	To the Acting Governor.	Newfoundland, Confidential.	1911. July 29	Acknowledges the receipt of No. 448; requests that Ministers' attention may be called to the undertaking given by Sir R. Bond in 1906, that in a licence to be issued to the Marconi Company a condition of compliance with the Convention should be inserted; enquires whether the licence in question was ever issued; and what are the conditions in the agreement with the Marconi Company which prevent adherence to the Convention.	315
450	The Governor ...	Newfoundland, Confidential.	November 11 (Rec. Nov. 27.)	Forwards letter from the Attorney-General stating that no licence has yet been issued to the Marconi Wireless Company, but that an agreement with the Company prevents the Colony from adhering to the Convention at the present time.	316

29.

RECIPROCITY IN THE ADMISSION OF SURVEYORS TO PRACTICE.

451	To the Governor-General.	Canada, Telegram.	1911. May 2	States that His Majesty's Government fully appreciate position of his Government in the matter of the Conference of Surveyors-General, and understand that no undertaking of any sort is given, but would wish them to be represented at the Conference so as to learn news of Canadian surveyors.	317
452	The Governor-General.	Canada, Telegram.	(Rec. May 22)	Reports that Mr. E. Deville, Surveyor-General of Canada, has been appointed to represent Canada at the Surveyors' Conference on the understanding set forth in No. 451.	317
453	The Governor ...	New Zealand, 67.	May 23 (Rec. July 3.)	States that the assumption that his Government is prepared to consider favourably the question of reciprocity throughout the Empire in the matter of surveyors is correct.	317

FURTHER CORRESPONDENCE

RELATING TO THE

IMPERIAL CONFERENCE.

1.

AGENDA AND PROCEEDINGS OF THE IMPERIAL CONFERENCE.

13669

No. 1.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Confidential (2).)

MY LORD,

Downing Street, 4 May, 1911.

WITH reference to my despatch, No. 173, of the 15th of March,* I have the honour to transmit to Your Excellency, for the information of your Ministers, the accompanying copies of sets of tables† bearing upon questions of inter-Imperial trade and navigation.

2. The tables numbered (1), (2), and (3) include, with additions, the material comprised in the series of tables which were forwarded in my despatch under reference; the series numbered (4) is a new series expanded from certain tables contained in Memorandum XXV. laid before the Conference of 1907, and, as will be seen, contains information relating to the movement of shipping between different parts of the Empire.

I have, &c.,

L. HARCOURT.

16368

No. 2.

BOARD OF TRADE to COLONIAL OFFICE.

(Received 18 May, 1911.)

(Confidential.)

Board of Trade (Commercial Department),
Gwydyr House, Whitehall, London, S.W.,

18th May, 1911.

SIR,

IN continuation of previous correspondence with reference to the documents to be prepared by this Department in connection with the forthcoming Imperial Conference, and especially your letter of the 15th March,‡ I am now directed by the Board of Trade to forward to you, for the confidential information of Mr. Secretary Harcourt, four copies of a memorandum§ on the subject of "Colonial Preferential Tariffs"—dealing with preferences granted by the Self-governing Dominions—in continuation of the memorandum laid before the last Conference and printed at pages 317, &c., of the Parliamentary Paper [Cd. 3524].||

I have, &c.,

GEO. J. STANLEY.

* No. 144 in Dominions No. 19.

† Appendices I-IV to Dominions No. 19.

‡ No. 145 in Dominions No. 19.

§ Not printed here.

|| COLONIAL OFFICE NOTE.—The question of preferential trade did not arise at the Conference.

16513

No. 3.

SIR J. WARD to COLONIAL OFFICE.

(Received 20 May, 1911.)

SIR,

Hotel Cecil, Strand, W.C., 18th May, 1911.

I HAVE the honour, at the request of Mr. Henniker Heaton, to forward for your consideration, and subsequently, with your favour, for the attention of the Imperial Conference, the enclosed papers and designs on the question of the postage stamps of the Empire.

I have, &c.,
J. G. WARD.

Enclosure in No. 3.

GENTLEMEN,

33, Eaton Square, S.W., May 11th, 1911.

THE question of the postage stamps of the Empire is one in which we are all interested. I trust, therefore, that I may be permitted to recommend to your attention the accompanying design of a British Empire postage stamp, designed by Mr. G. D. Love, which some countries and colonies of the Empire may be desirous of adopting. It is an artistic production and has been greatly praised by notable painters and philatelic societies.

I may venture to state in confidence that the question of having the most used stamps in each and every colony and dependency of the British Empire, impressed with the head or portrait of the Sovereign, is of vital interest.

You may be aware that, some years ago, one of our greatest dependencies departed from this rule, and our Sovereign of the day interested himself in the question, because it necessarily caused considerable uneasiness among those who had at heart the loyalty of every section of the British Empire.

Fortunately, the mistake was remedied. I feel certain that the Imperial Conference will take such steps as may be necessary to have a portrait of the Sovereign on at least one denomination of the stamps of each Colony. In this connection it may be interesting to refer to correspondence I have had with His late Majesty King Edward on another phase of this question. I sent him a large number of letters asking me to use my influence to get a portrait of Queen Alexandra on one denomination of the stamps used in this country.

The answer of His Majesty was full of wisdom and good sense and absolutely unanswerable. The King said that, entirely apart from him, he thought that on the postage stamps of the British Empire, as well as on all the coins of the realm, the portrait of the Sovereign *alone* should appear.

This wise decision will be concurred in by every responsible Government of the Empire.

Whether this subject is on the agenda or not, I trust that this letter will be brought under the notice of the members of the Conference.

I remain, &c.,
J. HENNIKER HEATON.

To the President and Members
of the Imperial Conference.

THE POSTAGE STAMPS OF THE EMPIRE.

In dealing with correspondence in the office of "The Times" newspaper from various parts of the world, I have been impressed by the fact that there is no reference to the British Empire upon our postage stamps, and that Colonial stamps of other European countries almost invariably indicate the nation of which the Colonies form a part. It occurred to me that as the question of new designs for our stamps is being considered at the beginning of a new reign, this is an opportune moment for suggesting that these designs shall contain the words "British Empire." I have often admired the uniform design of the Colonial stamps of the French Republic (see specimens attached), and I can see no reason why all the stamps of the British Empire should not also be of uniform design. I wrote a short memorandum on the subject last year, and it was passed on to Mr. Henniker Heaton by the late

Mr. Moberly Bell, then managing director of "The Times." Mr. Henniker Heaton replied that he considered the idea an excellent one and that he would arrange to bring the matter before the next Imperial Conference. This he accordingly did (see White Paper: "Correspondence relating to the Imperial Conference, 1911." Cd. 5513.)

The attached design is submitted, not necessarily as a suggested design, but in order to show what a simple matter it would be to have a uniform design for the Empire stamps, the only necessary variations being the name of the Colony, Dependency, or Protectorate, the colour, and the value. I suggest that the stamps might be uniform in colour as to the amounts, i.e., the two cents stamp of Canada might be of the same colour as the penny stamp of New Zealand.

The existing postage stamps of the United Kingdom give no indication of the country of origin, and I suggest, therefore, that separate stamps might be allocated to England, Scotland, Ireland, and Wales; but, of course, the stamps in these cases would be of the same uniform design as the other Empire stamps.

I consider it to be essential that the British Crown, the King's head, and the words "British Empire" should appear in any uniform design that might be agreed upon.

I feel that the adoption of a uniform design for the postage stamps of the British Empire would undoubtedly be beneficial in many ways. Such a design, with the words "British Empire" inscribed thereon, would be a constant reminder to everyone of the greatness of the Empire. To adopt a uniform design would be a very simple procedure, and the scheme appears to me to be economically sound.

Should the members of the Imperial Conference, after due consideration of these proposals, come to the conclusion that a uniform design could not at present be adopted, I trust that some action may be taken to ensure that the words "British Empire" shall be embodied in the designs for new stamps.

The design accompanying this memorandum was drawn by a colleague of mine in "The Times" office—Mr. Victor Barker. The photograph of His Majesty embodied in the design was produced by Messrs. W. & D. Downey.

J. D. LOVE

Printing House Square, London.

May 9, 1911.

To the President and Members
of the Imperial Conference.

16513

No. 4.

COLONIAL OFFICE to GENERAL POST OFFICE.

[Answered by No. 5.]

SIR,

Downing Street, 23 May, 1911.

WITH reference to the letter from this Department of the 16th of March and your letter of the 1st of that month,* I am directed to transmit to you, to be laid before the Postmaster-General, the accompanying copy of a letter† from Sir J. Ward, the Prime Minister of New Zealand, forwarding a letter from Sir J. Henniker-Heaton submitting, for the consideration of the members of the Imperial Conference, a design for a British Empire postage stamp.

Before replying to Sir J. Ward, Mr. Harcourt would be glad to receive the observations of the Postmaster-General on the subject.

I am to ask that the original enclosures to this letter may be returned with your reply.

I am, &c.,
H. W. JUST.

* L.F. transmitting copies of Nos. 278 to 280 in Dominions No. 19 and No. 274 in Dominions No. 19.

† No. 3.

17091

No. 5.

GENERAL POST OFFICE to COLONIAL OFFICE.

(Received 25 May, 1911.)

Sir,

General Post Office, London, 25 May, 1911.

I AM directed by the Postmaster-General to acknowledge the receipt of your letter of the 23rd instant, No. 16513/1911,* marked "Pressing," on the subject of a design for a British Empire postage stamp.

In reply, I am to state, for the information of Mr. Secretary Harcourt, that the Postmaster-General sees no objection to Sir J. G. Ward's proposal† for submitting to the Imperial Conference the letters from Mr. Henniker Heaton and Mr. J. D. Love with the postage stamp designs returned herewith.

I am, &c.,
A. F. KING.

23600

No. 6.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 576.)	(New Zealand. No. 235.)
(Australia. No. 298.)	(Newfoundland. No. 157.)
(Union of South Africa. No. 327.)	

[MY LORD,] [SIR,]

Downing Street, 14 July, 1911.

I HAVE the honour to transmit to [Your Excellency] [you], for the information of your Ministers, the accompanying copies of Parliamentary Paper [Cd. 5745], containing the Minutes of the Proceedings of the Imperial Conference.

2. Fifty further copies of the Report will be forwarded to you in due course and a like number of copies of the papers presented to the Conference. I shall be glad to know whether this number will be sufficient or whether your Ministers will desire that further copies should be supplied.

I have, &c.,
L. HARCOURT.

23600

No. 7.

THE SECRETARY OF STATE to THE GOVERNORS.

(New South Wales. No. 77.)	(South Australia. No. 60.)
(Victoria. No. 65.)	(Western Australia. No. 64.)
(Queensland. No. 60.)	(Tasmania. No. 42.)

[MY LORD,] [SIR,]

Downing Street, 14 July, 1911.

I HAVE the honour to transmit to you, for the information of your Ministers, the accompanying copies of the Minutes of the Proceedings of the Imperial Conference.†

2. Copies of the papers laid before the Conference will be sent to you as soon as they are issued.

I have, &c.,
L. HARCOURT.

* No. 4.

† COLONIAL OFFICE NOTE.—The proposal was not brought up at the Conference by Sir J. Ward.

‡ [Cd. 5745.]

23600

No. 8.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 598.)	(New South Wales. No. 100.)
(Australia. No. 302.)	(Victoria. No. 69.)
(Union of South Africa. No. 338.)	(Queensland. No. 63.)
(New Zealand. No. 243.)	(South Australia. No. 63.)
(Newfoundland. No. 162.)	(Western Australia. No. 67.)
	(Tasmania. No. 44.)

[MY LORD,] [SIR,]

Downing Street, 21 July, 1911.

WITH reference to my despatch, No. [576] [298] [327] [235] [157] [77] [65] [60] [60] [64] [42], of the 14th of July,* I have the honour to transmit to [Your Excellency] [you], for the information of your Ministers, two copies of Papers† laid before the Imperial Conference.

2. Further copies will be sent by book post.

I have, &c.,
L. HARCOURT.

23988

No. 9.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 607.)	(New Zealand. No. 249.)
(Australia. No. 312.)	(Newfoundland. No. 166.)
(Union of South Africa. No. 345.)	

Downing Street,

[MY LORD,] [SIR,]

[To Canada: 22 July,] [Rest: 25 July, 1911.]

I HAVE the honour to transmit to [Your Excellency] [you], for the information of your Ministers, copies of the Report‡ of the Debate in the House of Commons on the Colonial Office Vote on the 20th of July, in which reference is made to the Imperial Conference.

I have, &c.,
L. HARCOURT.

* Nos. 6 and 7.

† [Cd. 5746—1] and [Cd. 5746—2].

‡ Hansard, Vol. 28, No. 108.

2.
(RESOLUTION I.): CONSULTATION OF DOMINIONS AS TO INTERNATIONAL AGREEMENTS AFFECTING THEM.

14953

No. 10.

AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 7.45 a.m., 8 May, 1911.)

TELEGRAM.

Ministers request me to send you the following message:—

Ministers desire submit following resolution Imperial Conference in addition to those already forwarded:—

Begins: This Conference affirms desirability of Dominions being informed and consulted in negotiations with foreign Powers as to matters affecting any of them or Empire generally; recommends establishment of Advisory Committee called Foreign Relations Advisory Committee. Secretary of State for Foreign Affairs to convene meetings when necessary but not less frequently than once month. Secretary of State for Foreign Affairs shall be president *ex officio*, and High Commissioner for each Dominion or such other representative as each Dominion may appoint shall constitute committee. *Ends.*

DUDLEY.

14953

No. 11.

COLONIAL OFFICE TO FOREIGN OFFICE.

[Answered by No. 12.]

SIR,

Downing Street, 9 May, 1911.

I AM directed by Mr. Secretary Harcourt to transmit to you the accompanying copy of a telegram,* which has been received from the Governor-General of the Commonwealth of Australia, transmitting the text of a resolution which it is proposed by his Ministers to move at the Imperial Conference with regard to the consultation of the Governments of the Dominions as to foreign affairs.

2. Mr. Harcourt will be glad to receive at his earliest convenience any observations which Sir Edward Grey has to make on this proposal.

I am, &c.,
H. W. JUST.

15675

No. 12.

FOREIGN OFFICE TO COLONIAL OFFICE.

(Received 13 May, 1911.)

(Confidential.)

SIR,

Foreign Office, May 12th, 1911.

I AM directed by Secretary Sir E. Grey to acknowledge the receipt of your letter of the 9th instant† transmitting, for his observations, a copy of a resolution which the Ministers of the Commonwealth of Australia desire to submit to the Imperial Conference with regard to the consultation of the Governments of the Dominions in regard to foreign affairs.

* No. 10.

† No. 11.

The proposal of the Commonwealth Government is couched in such general terms, and raises constitutional questions of so far-reaching a character, that Sir E. Grey would prefer to postpone any expression of opinion until he has had an opportunity of considering it in consultation with his colleagues. He also thinks that it might be desirable to ascertain informally the views of the Prime Ministers of the other Dominions as to the desirability of discussing this particular motion at a formal meeting of the Conference. He understands that certain aspects of foreign affairs which have special interest for the Dominions are to be discussed at the Committee of Imperial Defence with the Prime Minister. It is possible that during this discussion some views may be expressed as to the best means of keeping in touch with the Governments of the Dominions.

I am, &c.,
W. LANGLEY.

23609

No. 13.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 700.)	(New Zealand. No. 295.)
(Australia. No. 376.)	(Newfoundland. No. 199.)
(Union of South Africa. No. 452.)	

[MY LORD] [SIR,]

Downing Street, 18 August, 1911.

I HAVE the honour to transmit to [Your Excellency] [you], to be laid before your Ministers, a copy of Resolution I of the Imperial Conference of 1911, respecting the previous consultation of the Dominions as to International Agreements affecting them.

I have, &c.,
L. HARCOURT.

Enclosure in No. 13.

I.—CONSULTATION OF DOMINIONS AS TO INTERNATIONAL AGREEMENTS AFFECTING THEM.

That this Conference, after hearing the Secretary of State for Foreign Affairs, cordially welcomes the proposals of the Imperial Government, viz.:—

- (a) that the Dominions shall be afforded an opportunity of consultation when framing the instructions to be given to British delegates at future meetings of The Hague Conference, and that Conventions affecting the Dominions provisionally assented to at that Conference shall be circulated among the Dominion Governments for their consideration before any such Convention is signed;
- (b) that a similar procedure where time and opportunity and the subject matter permit shall, as far as possible, be used when preparing instructions for the negotiations of other International Agreements affecting the Dominions.

23609

No. 14.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 15.]

SIR,

Downing Street, 19 August, 1911.

I AM directed by Mr. Secretary Harcourt to transmit to you, to be laid before Secretary Sir E. Grey, a copy of Resolution I* of the Imperial Conference of 1911, respecting the prior consultation of the self-governing Dominions as to International Agreements affecting them.

* Enclosure in No. 13.

In this connection I am to draw attention to the assurances given by Sir E. Grey to the Conference on the 1st of June as reported on pages 114-116 of [Cd. 5745], and to observe that he will, no doubt, take action to secure that effect is given to his statements and to the resolution of the Conference.

I am, &c.,
H. W. JUST.

27803

No. 15.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 24 August, 1911.)

Foreign Office, August 23, 1911.

SIR,

I AM directed by Secretary Sir E. Grey to acknowledge the receipt of your letter, No. 23609/11, of the 19th instant,* transmitting a copy of Resolution I. of the Imperial Conference of 1911, respecting the prior consultation of the self-governing Dominions as to International Agreements affecting them.

The assurances given to the Conference on June 1st last, and the resolution of the Conference, will be borne in mind in this Department.

I am, &c.,
W. LANGLEY.

* No. 14.

(RESOLUTION III.): BRITISH SHIPPING.

[For other correspondence regarding merchant shipping legislation in the Dominions see Dominions Nos. 18 and 43.]

23611

No. 16.

COLONIAL OFFICE to BOARD OF TRADE.

[Answered by No. 17.]

SIR,

Downing Street, 27 July, 1911.

With reference to recent correspondence, I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Board of Trade, the accompanying copy of a resolution passed at the Imperial Conference, on the subject of British shipping.

2. I am to enquire whether there is any particular point in connection with this resolution to which the Board of Trade would desire that the attention of the Dominion Governments should be called.

I am, &c.,
H. W. JUST.

Enclosure in No. 16.

III.—BRITISH SHIPPING.

That it is desirable that the attention of the Governments of the United Kingdom and of the Dominions should be drawn to the desirability of taking all practical steps to secure uniformity of treatment to British shipping, to prevent unfair competition with British ships by foreign subsidised ships, to secure to British ships equal trading advantages with foreign ships, to promote the employment of British seamen on British ships, and to raise the status and improve the conditions of seamen employed on such ships.

28365

No. 17.

BOARD OF TRADE to COLONIAL OFFICE.

(Received August 29, 1911.)

Marine Department, 7, Whitehall Gardens, London, S.W.,

28th August, 1911.

SIR,

I AM directed by the Board of Trade to acknowledge the receipt of your letter of July 27th (No. 23611/1911),* transmitting copy of a resolution passed at the Imperial Conference on the subject of British shipping.

In reply I am to state, for Mr. Secretary Harcourt's information, that the Board will bear this resolution in mind, but that they do not think that there is any particular point in connexion with it to which the attention of the Dominions need at present be called.

I have, &c.,
R. C. HERON-MAXWELL.

28365

No. 18.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 746.)

(New Zealand. No. 311.)

(Australia. No. 395.)

(Newfoundland. No. 209.)

(Union of South Africa. No. 497.)

[MY LORD,] [SIR,]

Downing Street, 5 September, 1911.

I HAVE the honour to transmit to [Your Excellency] [you], for the information of your Ministers, the accompanying copy of a resolution* passed at the Imperial Conference on the subject of British shipping.

2. I have to state that this resolution will be borne in mind by His Majesty's Government.

I have, &c.,
L. HARCOURT.

* Enclosure in No. 16.

4.

RESOLUTION IV.): UNIFORMITY IN THE LAW OF COPYRIGHT, PATENTS, TRADE MARKS AND COMPANIES.

[For other correspondence as to the law of copyright see Dominions No. 34.]

23612

No. 19.

COLONIAL OFFICE to BOARD OF TRADE.

[Answered by No. 20.]

Downing Street, 27 July, 1911.

SIR,

I AM directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Board of Trade, copy of a resolution passed by the Imperial Conference on the subject of uniformity in the laws of copyright, patents, trade marks, and companies.

2. If the Board of Trade concur, Mr. Harcourt proposes to send a copy of the resolution to the Governments of the Dominions represented at the Conference, with reference to the papers laid before the Conference (Cd. 5746-1), and to say that in any fresh legislation which may become necessary the Government of the United Kingdom will bear the resolution carefully in mind and that the Dominion Governments will no doubt adopt a similar course. It might, however, in the case of patents be desirable to supplement the memorandum printed in [Cd. 5746-1], by reference to the specific point of uniformity as regards form of application, on which stress was laid by the Prime Minister of New Zealand at the Conference.

I am, &c.,
H. W. JUST.

Enclosure in No. 19.

IV.—UNIFORMITY IN LAW OF COPYRIGHT, PATENTS, TRADE MARKS, AND COMPANIES.

That it is in the best interests of the Empire that there should be more uniformity throughout its centres and dependencies in the law of copyright, patents, trade marks, companies.

27033

No. 20.

BOARD OF TRADE to COLONIAL OFFICE.

(Received August 15, 1911.)

[Answered by L.F. transmitting copy of No. 21.]

Board of Trade (Commercial Department), Gwydyr House,
Whitehall, London, S.W., 15th August, 1911.

SIR,

I AM directed by the Board of Trade to acknowledge the receipt of your letter of the 27th July (No. 23612),* enclosing copy of a resolution passed by the Imperial Conference on the subject of copyright, patent, trade mark and company legislation.

The Board concur in Mr. Secretary Harcourt's proposal to send a copy of this resolution to the Governments of the self-governing Dominions, and also in the tenour of the communication which it is proposed to address to them in connection therewith.

With reference to the final sentence of your letter, I am to suggest that it would be advantageous to transmit to the Dominion Governments a copy (in duplicate) of the enclosed forms,† which are used in the Patent Office in this country for (1) Patent Applications, (2) Provisional Specifications, and (3) Complete Specifications, and to invite the consideration of those Governments to the desirability of adopting similar

* No. 19.

† Not reprinted.

forms, so far as possible, with a view to securing uniformity throughout the Empire on these points of practice.

I have, &c.,
GEO. J. STANLEY.

27033

No. 21.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

[Copy to Board of Trade, 29 August, 1911. L.F.]

[Answered by Nos. 25, 24, and 26.]

(Canada. No. 713.)	(New Zealand. No. 300.)
(Australia. No. 378.)	(Newfoundland. No. 202.)
(Union of South Africa. No. 473.)	

[MY LORD,] [SIR,]

Downing Street, 25 August, 1911.

WITH reference to the papers laid before the Imperial Conference, 1911, and printed in Parliamentary Paper [Cd. 5746-1] (pages 137-165), I have the honour to transmit to [Your Excellency] [you], to be laid before your Ministers, the accompanying copy of Resolution IV.* of the Conference, regarding the desirability of more uniformity throughout the Empire in the law of copyright, patents, trade marks, and companies.

I have to state that in any fresh legislation which may become necessary as regards the United Kingdom, His Majesty's Government will bear the resolution carefully in mind, and your Ministers will, no doubt, adopt a similar course in framing new legislation as the need for it arises.

On the special question of patents, I enclose copies of the forms† which are used in the Patent Office in this country for (1) patent applications; (2) provisional specifications; and (3) complete specifications, and I should be glad if you would invite the consideration of your Ministers to the desirability of adopting similar forms so far as possible, with a view to securing uniformity within the Empire on these points of practice.

I have, &c.,
L. HARCOURT.

35798

No. 22.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

[Copy to Board of Trade, November 20, 1911. L.F.]

(Canada. No. 916.)	(New Zealand. No. 385.)
(Australia. No. 499.)	(Newfoundland. No. 260.)
(Union of South Africa. No. 604.)	

[MY LORD] [SIR,]

Downing Street, 16 November, 1911.

WITH reference to my despatch, No. [713] [378] [473] [300] [202], of the 25th of August,† I have the honour to transmit to [Your Royal Highness] [Your Excellency] [you], for the information of your Ministers, copies of a reprint§ of that portion of the papers laid before the Imperial Conference which deals with uniformity in company legislation.

[To Canada only: 2. I also transmit, in reply to your despatch, No. 570, of the 27th of October,|| two copies of the earlier paper, [Cd. 3589].]

I have, &c.,
L. HARCOURT.

* Enclosure in No. 19.

† Not reprinted.
‡ 35798: not printed.

‡ No. 21.

§ [Cd. 5864].

35798

No. 23.

THE SECRETARY OF STATE to THE GOVERNORS.

[Copy to Board of Trade, November 20, 1911. L.F.]

(New South Wales. No. 162.)	(South Australia. No. 104.)
(Victoria. No. 125.)	(Western Australia. No. 106.)
(Queensland. No. 119.)	(Tasmania. No. 85.)

Downing Street, 16 November, 1911.

SIR,

I HAVE the honour to transmit to you, for the information of your Ministers, copies of a Parliamentary Paper* containing a memorandum and comparative analysis† by the Board of Trade of the company laws of the Empire.

I have, &c.,
L. HARCOURT.

37199

No. 24.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received November 18, 1911.)

[Copy to Board of Trade, 2 December, 1911. L.F.]

(No. 830.)

Governor-General's Office, Pretoria,

30 October, 1911.

SIR,

WITH reference to your despatch, No. 473 of the 25th August,‡ on the subject of Resolution IV of the Imperial Conference regarding the desirability of greater uniformity throughout the Empire in the law of copyright, patents, trade marks, and companies, I have the honour to transmit herewith a copy of a minute from my Ministers.

2. The constitution of the Commission mentioned in the last paragraph of this minute was reported to you in my despatch, No. 514 of the 19th of June last.§

I have, &c.,
GLADSTONE,
Governor-General.

Enclosure in No. 24.

(Minute No. 1266.)

26 October, 1911.

Ministers have the honour to acknowledge the receipt of His Excellency the Governor-General's minute, No. 57/5 of the 15th ultimo, covering copy of despatch, No. 473, dated 25th August last, from the Right Honourable the Secretary of State for the Colonies, on the subject of Imperial Conference Resolution IV, regarding the desirability of greater uniformity throughout the Empire in the law of copyright, patents, trade marks, and companies.

In reply, Ministers have the honour to inform His Excellency that the whole question of consolidating and amending the laws in force in the Union as to patents, designs, trade marks, and copyright has been referred by the Government to a Commission which is preparing a Bill, and that the resolution and other matters referred to in the despatch above mentioned have been referred to the Commission.

J. C. SMUTS.

* [Cd. 5864].

† The memorandum is also printed as Appendix VIII to Dominions No. 19.
‡ No. 21.

§ 22311: not printed.

39539

No. 25.

AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received December 9, 1911.)

[Copy to Board of Trade, December 19, 1911. L.F.]

(No. 207.)

SIR, Governor-General's Office, Melbourne, 8th November, 1911.
 REFERRING to your despatch, No. 378, dated 25th August last,* on the subject of the desirability of securing uniformity throughout the Empire in the law of copyright, patents, trade marks, and companies, I have the honour to inform you that, so far as the Commonwealth Patents Act permits, the forms in use in the Commonwealth conform to those in use in Great Britain.

2. I may add that, although there is some difference as regards the persons who may apply for patents, there is no substantial variation between the Patents Act of the United Kingdom and that of the Commonwealth.

I have, &c.,
 DENMAN,
 Governor-General.

4317

No. 26.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 12 February, 1912.)

[Answered by No. 29.]

(No. 4.)

SIR, Government House, Wellington, 3rd January, 1912.
 WITH reference to your despatch, No. 300, of the 25th August,* forwarding copy of Resolution IV. of the recent Imperial Conference with regard to the law of copyright, patents, trade marks and companies, I have the honour to transmit to you the accompanying copy of a memorandum, which I have received from my Prime Minister, in which he states that the Resolution of the Conference has in some measure been given effect to by the passing, during the Session of the New Zealand Parliament just concluded, of the Patents, Designs and Trade Marks Act, which brings the law into closer conformity with that of England.

2. My Prime Minister points out that even with similarity of Act and Rules there is still room for difference in procedure, and he suggests that this might be reduced, and the benefit of greater uniformity secured, if the Imperial Patent Office could see its way to advise the Patent Office in this and other countries with similar laws of the rulings it makes on the various points in the Act and Rules with which it is called upon to deal.

I have, &c.,
 ISLINGTON,
 Governor.

Enclosure in No. 26.

MEMORANDUM for His Excellency the Governor.

Prime Minister's Office, Wellington,
 27th December, 1911.

Referring to the despatch of the Secretary of State for the Colonies of the 25th August last, the Prime Minister has the honour to recommend that a reply be sent to the effect that the resolution of the Imperial Conference with regard to uniformity in the law of Patents, Designs and Trade Marks has in some measure

* No. 21.

been given effect to by the passing during the session just concluded of the Patents, Designs, and Trade Marks Act, which brings the law into closer uniformity with that of England, except in one or two respects necessitated by different circumstances prevailing in this country. The forms sent will probably be adopted without alteration, and the other forms and rules of the Imperial Office will be followed as far as practicable.

Even with similarity of Act and Rules there is still room for difference of procedure, and it is suggested that this could be reduced, and the benefit of greater uniformity secured, if the Imperial Patent Office could see its way to advise the Patent Office in this and other countries with similar laws of its rulings on the various points in the Act and Rules with which it is called upon to deal.

J. G. WARD,
 Prime Minister.

4317

No. 27.

COLONIAL OFFICE to BOARD OF TRADE.

[Answered by No. 28.]

SIR,

Downing Street, 20 February, 1912.
 WITH reference to the letter from this Department of the 19th December last,* I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Board of Trade, a copy of a despatch† from the Governor of New Zealand with a copy of a memorandum from his Prime Minister, on the subject of Resolution IV. of the Imperial Conference, 1911, as to the desirability of uniformity throughout the Empire in the law of copyright, patents, trade marks, and companies. As regards the Act of the New Zealand Parliament mentioned in the despatch, I am to refer to your letter of the 6th instant.‡

Mr. Harcourt would be glad to be advised what reply should be returned to the New Zealand Government as regards the suggestion made in the second paragraph of the memorandum.

I am, &c.,
 H. W. JUST.

6932

No. 28.

BOARD OF TRADE to COLONIAL OFFICE.

(Received 6 March, 1912.)

Board of Trade (Commercial Department),
 Gwydyr House, Whitehall, London, S.W.,

5th March, 1912.

SIR,

I AM directed by the Board of Trade to acknowledge the receipt of your letter (No. 4317) of February 20th,§ transmitting copy of a despatch from the Governor of New Zealand, relative to the resolution of the Imperial Conference regarding uniformity in the law of copyright, patents, trade marks, and companies, in which he suggests that such uniformity would be promoted if the Patent Office of this country could furnish the Patent Office of New Zealand with copies of its rulings.

In reply, I am to state that the Patent Office at Wellington is at present supplied with copies of the "Reports of Patent cases" issued in this country, which contain reports of rulings and decisions given by the Comptroller-General—and by the Law Officers (on appeal)—in cases where any general principle arises, in addition to reports of cases before the Courts.

I am accordingly to suggest, for Mr. Secretary Harcourt's consideration, that the New Zealand Government should be reminded of this fact, and that they should be informed that the Board will be glad to furnish the New Zealand Government with any additional information as to the practice of the Patent Office, or as to

* L.F. transmitting copy of No. 25.

† No. 26.

‡ 3809 : not printed.

§ No. 27.

27293

B

the rulings of the Comptroller on any particular point or section of the Acts, on receipt of particulars with regard to the special information desired.

I have, &c.,
GEO. J. STANLEY.

6932

No. 29.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR.

(No. 82.)

MY LORD,

Downing Street, 21 March, 1912.

I HAVE the honour to acknowledge the receipt of your despatch, No. 4, of the 3rd of January,* transmitting a memorandum from your Prime Minister on the subject of the Patents, Designs, and Trade Marks Act of the Parliament of New Zealand.

2. With reference to the second paragraph of your despatch I have to point out that the Patent Office at Wellington is at present supplied with copies of the reports of Patent cases issued in this country which contain reports of rulings and decisions given by the Comptroller-General, and, on appeal, by the Law Officers, in cases where any general principle arises, in addition to reports of cases before the Courts.

3. His Majesty's Government will, however, be glad to communicate to your Government any additional information as to the practice of the Patent Office or as to the rulings of the Comptroller-General on any particular point or section of the Patent Acts, if your Ministers will be so good as to specify the points upon which information is desired.

I have, &c.,
L. HARCOURT.

6595

No. 30.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 200.)
(Australia. No. 127.)

(Union of South Africa. No. 142.)
(Newfoundland. No. 53.)

SIR,

MY LORD,

Downing Street, 21 March, 1912.

[WITH reference to my despatch, No. 1004, of the 30th of November†]
[WITH reference to your despatch, No. 207, of the 8th of November†]
[WITH reference to my despatch, No. 667, of the 30th of December†]
[WITH reference to my despatch, No. 289, of the 30th of December†]
I have the honour to transmit to [Your Royal Highness] [Your Excellency] [you], for the information of your Ministers, the accompanying copy of a despatch§ from the Governor of New Zealand on the subject of Act No. 17 of 1911 of the Parliament of New Zealand, entitled "The Patents, Designs, and Trade Marks Act, 1911."

I have, &c.,
L. HARCOURT.

* No. 26. † Transmitter of No. 25. ‡ No. 25. § 6595: not printed.

5.

(RESOLUTION V.): INTERNATIONAL EXHIBITIONS.

13762

No. 31.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL AND GOVERNOR.

(Canada. No. 313.)
(Newfoundland. No. 102.)

[MY LORD] [SIR],

Downing Street, 4 May, 1911.

I HAVE the honour to transmit to [Your Excellency] [you], for the information of your Ministers, the accompanying copies of a memorandum* respecting a Resolution with regard to International Exhibitions which His Majesty's Government will propose at the Imperial Conference.

I have, &c.,
L. HARCOURT.

23613

No. 32.

COLONIAL OFFICE to BOARD OF TRADE.

[Answered by No. 33.]

SIR,

Downing Street, 16 August, 1911.

WITH reference to your letter of the 25th of April,† I am directed by Mr. Secretary Harcourt to request that you will invite the attention of the Board of Trade to the discussion at the Imperial Conference ([Cd. 5745], pp. 170, 171), of the question of International Exhibitions.

2. Before communicating to the Dominion Governments the terms of the Resolution‡ arrived at on the subject, Mr. Harcourt would be glad to know whether the Board would desire that the views of the Dominion Governments should be invited on any special point in the memorandum which was laid before the Conference, and which is printed in [Cd. 5746-1], or whether it is desired to supplement the memorandum in any respect. In this connection I am to invite special attention to Mr. Buxton's remarks at p. 171 of the Conference report.

I am, &c.,
H. W. JUST.

Annexure to No. 32.

V.—INTERNATIONAL EXHIBITIONS.

That in view of the International Conference to be held at Berlin in 1912 with a view to the regulation of the conditions under which international exhibitions should receive support, it is desirable that the Imperial and Dominion Governments shall consider the matter in conjunction so as to arrange, if possible, for concerted action upon this subject.

29637

No. 33.

BOARD OF TRADE to COLONIAL OFFICE.

(Received 9 September, 1911.)

[Answered by No. 36.]

Board of Trade (Commercial Department), Gwydyr House,
Whitehall, London, S.W., 8 September, 1911.

SIR,

WITH reference to your letter of the 16th August, No. 23613/1911,§ I am directed by the Board of Trade to state, for the information of Mr. Secretary

* See page 205 of [Cd. 5746-1]: also printed as Appendix VI to Dominions No. 19.
† 13762: not printed: forwarding copies of Appendix VI. in Dominions No. 19.
‡ See Annexure. § No. 32.

Harcourt, that a detailed statement of the views of the Board upon the question of international exhibitions is now in course of preparation.

The Board, however, are disposed to think that it might be desirable for this draft statement when completed to be considered in conjunction with the High Commissioners or Agents-General in London of the several Dominion Governments before it is formally submitted to those Governments. They consider that the adoption of such a course would probably enable them to embody in their statement to a fuller extent than would otherwise be possible the views of the Dominion Governments, and might thereby effect a considerable saving of time in correspondence.

I am accordingly to suggest, for Mr. Harcourt's consideration, that the Dominion Governments should be informed of this proposal, and that they should be asked to give the High Commissioners and Agents-General the necessary authority for the purpose.

As the International Conference is to be held in the spring of next year, I am further to suggest that the Dominion Governments should be communicated with by cable.

I have, &c.,
W. F. MARWOOD.

29637

No. 34.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL OF CANADA,
AUSTRALIA, AND THE UNION OF SOUTH AFRICA, AND THE
GOVERNORS OF NEW ZEALAND AND NEWFOUNDLAND.

(Sent 6.20 p.m., 15th September, 1911.)

TELEGRAM.

[Copy to Board of Trade, September 19, 1911. L.F.]

With reference to Resolution 5 of Imperial Conference and discussion leading to it, Board of Trade are preparing statement of suggestions on question of International Exhibitions, and consider that if this is discussed in draft with High Commissioners of Dominions result would be that it would embody views of Dominion Governments more fully than would be possible otherwise and much time would be saved in correspondence. I shall be glad if your Government will authorise High Commissioner to discuss matters with Board of Trade accordingly. [To Australia only: A similar telegram is being addressed to Governors of States.]—HARCOURT.

29637

No. 35.

THE SECRETARY OF STATE TO THE GOVERNORS OF THE AUSTRALIAN
STATES.

(Sent 6.20 p.m., 15th September, 1911.)

TELEGRAM.

[Copy to Board of Trade, September 19, 1911. L.F.]

In connexion with 5th Resolution of Imperial Conference (see page 15 of [Cd. 5745]), Board of Trade are preparing detailed statement of their views on International Exhibitions and consider that if this is discussed in draft with High Commissioners and Agents-General it would embody views of Dominions and States more fully than would be possible otherwise and much time would be saved in correspondence. I should be glad if your Government could authorise Agent-General to discuss question with Board of Trade accordingly. Preliminary memorandum by Board of Trade with regard to this Resolution is printed in [Cd. 5746], Part I.*—HARCOURT.

* Also as Appendix VI to Dominions No. 19.

31910

No. 36.

COLONIAL OFFICE to BOARD OF TRADE.

SIR,

Downing Street, 4 October, 1911.

WITH reference to the letter from this Office of the 19th September,* I am directed by Mr. Secretary Harcourt to request that you will inform the Board of Trade that the High Commissioner for New Zealand and the Agents-General for New South Wales, South Australia, Western Australia, and Tasmania have been authorized by their Governments to discuss with the Board the question of International Exhibitions.

2. The Governor of Newfoundland states that his Ministers have no objection to offer to the discussion of this matter by the Board of Trade and the High Commissioners, and they are prepared to acquiesce in any resolution which may be passed by the majority of the members attending the Conference.

3. The Agent-General for Queensland is at present absent from this country, and the state of politics in Canada renders it improbable that an early reply can be received to the telegram which was addressed to the Governor-General on the 15th September.† Reminders are being sent to the Governments of the Commonwealth of Australia, Victoria, and the Union of South Africa.

I am, &c.,

HENRY LAMBERT,

for the Under-Secretary of State.

32447

No. 37.

COLONIAL OFFICE to THE AGENT-GENERAL FOR SOUTH AUSTRALIA.†

SIR,

Downing Street, 11 October, 1911.

WITH reference to your letter of the 5th of October,§ I am directed by Mr. Secretary Harcourt to inform you that, in connection with the fifth resolution|| of the Imperial Conference, the Board of Trade are preparing a statement of suggestions on the question of international exhibitions, and that they consider that if this statement is discussed in draft with the High Commissioners and Agents-General, the result would be that it would embody in a more satisfactory and complete form the views of the Governments concerned, and that much correspondence might be saved.

2. The Government of South Australia has accordingly been asked to authorise you to discuss this question with the Board of Trade, and the Governor has telegraphed that his Ministers have authorised you to do so.

3. The Board of Trade have been so informed, and a further communication will be made with regard to the arrangements as to time and place fixed for the discussion.

I am, &c.,

H. W. JUST.

32447

No. 38.

COLONIAL OFFICE to BOARD OF TRADE.

[See No. 39.]

SIR,

Downing Street, 11 October, 1911.

WITH reference to the letter from this Office of the 4th of October,¶ I am directed by Mr. Secretary Harcourt to request you to inform the Board of Trade that the High Commissioners for the Commonwealth of Australia and the Union of South Africa and the Agent-General for Victoria have been authorised by their Governments to discuss the question of exhibitions with the Board.

2. Mr. Harcourt presumes that the Board will now take steps to summon a meeting of the High Commissioners and Agents-General, and he would be glad to learn the date and place of such meeting, in which case the necessary communications will be made by the Secretariat of the Imperial Conference. I am to enclose copies

* L.F. transmitting copies of Nos. 34 and 35.

† No. 34.

‡ Identical letters, *mutatis mutandis*, were also sent to the Agents-General for New South Wales, Victoria, Western Australia and Tasmania, the High Commissioners for New Zealand and the Union of South Africa, and the Official Secretary of the Commonwealth of Australia.

§ 32376: not printed.

|| See No. 32.

¶ No. 36.

of letters* addressed to the High Commissioners and Agents-General informing them of the proposed discussion.

I am, &c.,
H. W. JUST.

36686

No. 39.

BOARD OF TRADE to COLONIAL OFFICE.

(Received 14 November, 1911.)

Board of Trade (Exhibitions Branch), Queen Anne's Chambers,

SIR, Westminster, S.W., 13th November, 1911.

I HAVE to acknowledge the receipt of your letter of the 11th November,† enquiring whether a decision has yet been taken as to the date for the discussion of the question of International Exhibitions with the High Commissioners and Agents-General of the self-governing Dominions.

In reply, I have the honour to inform you that a statement of the views of this Department on this question is now being prepared, and I shall not fail to inform you as soon as it is ripe for discussion.

I may explain that it is proposed, should Mr. Secretary Harcourt see no objection, to discuss this statement when it has been prepared with the High Commissioners and Agents-General individually, and not to summon any general meeting.

I have, &c.,
U. F. WINTOUR.

15627

No. 40.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received May 21, 1912.)

[Copy to Board of Trade, May 25, 1912. L.F.]

(No. 283.)

SIR, Government House, Ottawa, 11 May, 1912.

I HAVE the honour to forward, herewith, for your information, a copy of a letter from the Department of External Affairs, on the subject of Resolution V. of the Imperial Conference of 1911, respecting the question of International Exhibitions.

Reference to previous despatch: Secretary of State's telegram, 15 September, 1911.‡

I have, &c.,
ARTHUR.

Enclosure in No. 40.

FROM DEPARTMENT OF EXTERNAL AFFAIRS to GOVERNOR-GENERAL'S SECRETARY.

SIR, Ottawa, 9th May, 1912.

WITH reference to a telegraphic despatch from the Secretary of State for the Colonies, dated 15th September, 1911, to His Royal Highness's predecessor, on the subject of Resolution V. of the Imperial Conference of 1911, respecting the question of International Exhibitions, I have the honour to state that His Royal Highness's advisers are willing to adopt the suggestion contained in this telegram, namely, that the High Commissioner be authorised to discuss the question of International Exhibitions with the Board of Trade, and the Minister of Agriculture has to-day advised the High Commissioner in this sense.

I am to request that His Royal Highness the Governor-General may be humbly moved to cause the Secretary of State for the Colonies to be so informed.

I have, &c.,

JOSEPH POPE,

Under-Secretary of State for
External Affairs.

* No. 37.

† Reminder of Nos. 38 and 36.

‡ No. 34.

(RESOLUTION VI.): VISITS OF CIVIL SERVANTS.

23614

No. 41.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 614.)

(New Zealand. No. 253.)

(Australia. No. 317.)

(Newfoundland. No. 169.)

(Union of South Africa. No. 349.)

[MY LORD], [SIR],

Downing Street, 26 July, 1911.

WITH reference to my despatch, No. [146] [103] [106] [75] [40], of the 3rd March,* I have the honour to transmit to [Your Excellency] [you], for the information of your Ministers, the accompanying copy of a Resolution which was passed at the Imperial Conference on the subject of visits of civil servants.

2. As will be seen from the report of the Proceedings of the Conference (pages 195 and 196 of [Cd. 5745]), His Majesty's Government will continue to bear the matter in mind for their own part and will gladly afford any assistance to officers who may be sent on visits by the Governments of the Dominions.

I have, &c.,
L. HARCOURT.

Enclosure in No. 41.

VI.—VISITS OF CIVIL SERVANTS.

That it is in the interests of the Imperial Government, and also of the Governments of the oversea Dominions, that visits of selected officers of the respective Civil Services should take place from time to time, with a view to the acquirement of better knowledge for both services with regard to questions affecting the respective Governments.

* No. 323 in Dominions No. 19.

(RESOLUTION VII): EMIGRATION.

15831

No. 42.

THE HIGH COMMISSIONER FOR THE COMMONWEALTH OF AUSTRALIA to COLONIAL OFFICE.

(Received 16 May, 1911.)

Commonwealth of Australia, High Commissioner's Offices,
72, Victoria Street, Westminster, S.W., May 15th, 1911.

SIR, I AM directed to state, for the information of the Secretary of State, that the High Commissioner has received a request from Mr. Batchelor, Minister of External Affairs, to arrange for a meeting of the Agents-General immediately on the arrival of the Minister in England for the purpose of discussing with them the proposal in regard to Labour Exchanges and emigration, and procure from the Colonial Office copies of the memorandum (Confidential)* for the Agents-General to read before the meeting. I am to ask if you will kindly favour me with eight copies of the memorandum in question.

I am, &c.,
R. MUIRHEAD COLLINS.

15831

No. 43.

COLONIAL OFFICE to BOARD OF TRADE.

Downing Street, 17 May, 1911.

SIR, WITH reference to the letter from this Office of the 2nd of March,† I am directed by Mr. Secretary Harcourt to transmit to you the accompanying copy of a letter‡ from the High Commissioner for the Commonwealth of Australia on the subject of the Resolution to be moved by His Majesty's Government at the Imperial Conference with regard to Labour Exchanges and emigration.

2. I am to add that the copies of the memorandum for which the High Commissioner has asked have been forwarded to him for the confidential information of the Agents-General.

I am, &c.,
H. W. JUST.

16673

No. 44.

AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 22 May, 1911.)

[Copy to War Office, 30 May, 1911. L.F.]

[Answered by No. 46.]

(No. 65.)

SIR, Melbourn, 11th April, 1911.

REFERRING to your despatch, No. 286, dated 30th July last§ on the subject of the emigration of ex-soldiers from Great Britain to the self-governing Dominions, I have the honour to inform you that provision is made in the Defence Bill of 1910 for a special school of instruction to be established for the training of an instructional staff of non-commissioned officers, and all future appointments of persons to act as instructors will be made from amongst those who have, at the close of the prescribed course, satisfied the Chief of the General Staff, or some person duly appointed by him, that they are competent.

* Enclosure in No. 111 in Dominions No. 19.

† L.F. transmitting copy of No. 114 in Dominions No. 19.

‡ No. 42.

§ No. 105 in Dominions No. 19.

2. It is also provided that persons who have acted as Instructors in the British Army, or who, having served in the British Army, satisfy the Chief of the General Staff that they have the necessary qualifications, may be appointed without passing through such course.

3. The bulk of the additional instructors required under the new universal training system have already been appointed, and the only further appointments will be those required to replace the usual wastage, probably not more than a total of 20 or 30 each year.

4. Practically the only positions in the Commonwealth permanent forces, other than those of non-commissioned instructors, to which discharged non-commissioned officers and men could be appointed, are those for gunners of the Royal Australian Artillery (Garrison) and for gunners and drivers in the Australian Field Artillery, the ages for enlistment being 18 minimum to 30 maximum, and the number of vacancies approximately 50 to 60 annually.

5. No guarantee of employment in the permanent forces of the Commonwealth can be given, nor is it feasible that the preliminary medical and other examinations for such appointments be carried out in England.

6. Consideration will, however, be given to the applications of any men who are within the age limits and comply with the physical and medical requirements, and who may present themselves for enrolment at the District Headquarters in each State.

7. Reservists are not eligible for appointment to the military forces of the Commonwealth.

8. The several State Governments were advised of the receipt of the Secretary of State's despatch and asked whether, apart from the question of the possibility of providing the men in question with employment in the Defence Forces, it was their desire to do anything in the direction of obtaining any of them. It was thought that their services might possibly be of use in connection with some branch of the State public service where it would be an advantage to have men accustomed to discipline.

9. Replies have now been received, from which it would appear that the State authorities are not in a position to make any offer of employment. In the case of Western Australia, it is suggested by the Premier that if any of the men are prepared to settle on the land, the Army Council might communicate with the Agent-General for that State in London regarding them.

I have, &c.,
DUDLEY,
Governor-General.

20762

No. 45.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 26 June, 1911.)

[Copy to War Office, 4 July, 1911. L.F.]

(No. 361.)

SIR,

Government House, Ottawa, 14 June, 1911.

WITH reference to Lord Crewe's despatch, No. 567, of the 30th July, 1910,* on the subject of the emigration of ex-soldiers from Great Britain to the self-governing Dominions, I have the honour to forward, herewith, for transmission to the War Office, a copy of a letter from the Department of Militia and Defence regarding the proposals set forth in the War Office letter enclosed in the despatch mentioned above for the employment of time-expired men of the regular forces, and others, who desire to enlist in the Canadian forces.

I have, &c.,
GREY.

* No. 105 in Dominions No. 19.

Enclosure in No. 45.

From DEPARTMENT, MILITIA AND DEFENCE, to GOVERNOR-GENERAL'S SECRETARY.

Ottawa, 8th June, 1911.

Emigration of ex-soldiers from Great Britain.

SIR,

WITH reference to my letter dated 20th October, 1910, and previous correspondence under War Office 7/General No. 7443 enclosed in Colonial Office despatch, No. 567, 30th July, 1910, with a view to furthering the proposals therein set forth for the employment of time-expired men of the regular forces, and others, who desire to enlist in the Canadian forces, I have the honour, by direction, to request that His Excellency may be moved to ascertain the views of the Army Council as to whether arrangements could be made whereby any such men might, on their own application, be medically examined and passed as fit for service, or rejected, as the case may be, under Army Medical Regulations, prior to their embarkation, and whether all such applications could be dealt with by the War Office authorities.

2. If it is found possible for the above arrangement to be made, it is suggested that the Secretary of the Naval and Military Emigration League may be informed of any applicants having been passed as medically fit for service, with a view to the necessary arrangements for sailing, &c., being carried out by that Institution. At the present time, there is no arrangement whereby men who desire to emigrate for purposes of enlistment in the Canadian permanent forces can be medically examined prior to embarkation, thereby running the risk of rejection on presenting themselves for enlistment on their arrival in Canada, and consequent hardships in finding themselves stranded and unable for some time to find employment in a civil capacity.

I have, &c.,

E. F. JARVIS,

Acting Deputy Minister.

16673

No. 46.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

[Answered by No. 61.]

(1. Canada. No. 500.)
(2. Australia. No. 261.)

(3. Union of South Africa. No. 284.)
(4. New Zealand. No. 206.)

Downing Street, 27 June, 1911.

MY LORD,

WITH reference to

[Your Excellency's despatch, No. 478, of the 2nd of November last*]

[Your Excellency's despatch, No. 65, of the 11th of April†]

[Your Excellency's despatch, No. 195, of the 29th of September last‡]

[my despatch, No. 166, of the 30th of July last§]

I have the honour to transmit to you, for the information of your Ministers, copies of despatches from the Governors-General of [1: the Union of South Africa and Commonwealth of Australia] [2: Canada and the Commonwealth of Australia] [3: Canada and the Union of South Africa] [4: Canada, the Union of South Africa, and the Commonwealth of Australia] on the subject of the emigration of ex-soldiers from Great Britain to the self-governing Dominions.

I have, &c.,

L. HARCOURT.

23678

No. 47.

MR. SYDNEY BUXTON, M.P., to MR. LEWIS HARCOURT, M.P.

(Received 18 July, 1911.)

[Answered by No. 50.]

Board of Trade, Whitehall Gardens, S.W.,

17 July, 1911.

MY DEAR HARCOURT,

YOU will recollect that at the Imperial Conference, in the discussion on the labour exchange question, it was desired by the representatives of some of the

* No. 107 in Dominions No. 19.

† No. 105 in Dominions No. 19.

‡ No. 44.

§ Nos. 105, 106, and 107 in Dominions No. 19 and No. 44.

Dominions that their representatives here should be able to discuss further with representatives of the Board of Trade the question of how far our labour exchanges could be utilised as regards emigration to the Dominions. I am proposing, in these circumstances, to instruct my officers to discuss the matter with the High Commissioners or the Agents-General, as the case may be.

I understand that you will have no objection to this procedure, but send you this line so that it may be on record.

Yours ever,
SYDNEY BUXTON.

6256

No. 48.

COLONIAL OFFICE to EMIGRANTS' INFORMATION OFFICE.

SIR,

Downing Street, 22 July, 1911.

I AM directed by Mr. Secretary Harcourt to inform you that he has had under his consideration your letter of the 24th of February,* expressing the views of the Committee of the Emigrants' Information Office in connection with the resolution as to emigration proposed to be moved by the Commonwealth of Australia at the Imperial Conference, 1911.

The main suggestion of the Committee was that there might be established an Emigration Office as a department of Government charged with the control of the various kinds of emigration now carried on by departments, and with the supervision of the work of unofficial emigration agencies.

This suggestion was fully considered prior to the Imperial Conference, but it was decided by His Majesty's Government that there was not sufficient reason for its adoption. I am to request you to draw the attention of your Committee to the discussion on emigration on pp. 198-205 of [Cd. 5745], a copy of which is enclosed, from which they will perceive that the results of the policy now followed were accepted as satisfactory by the members of the Imperial Conference, and that the proposal of the Commonwealth of Australia for representation of the Dominions on the Committee of the Emigrants' Information Office was not pressed.

The Conference passed the following resolution unanimously:—

"Having heard the interesting and explanatory statement from Mr. Burns, resolved that the present policy of encouraging British emigrants to proceed to British Dominions rather than foreign countries be continued, and that full co-operation be accorded to any Dominion desiring immigrants."

I am, &c.,
C. P. LUCAS

23615

No. 49.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

[Copy to Local Government Board and Emigrants' Information Office, 2 August, 1911. L.F.]

(Canada. No. 641.)	(Western Australia. No. 71.)
(Australia. No. 334.)	(Tasmania. No. 48.)
(New South Wales. No. 106.)	(Union of South Africa. No. 371.)
(Victoria. No. 76.)	(New Zealand. No. 265.)
(Queensland. No. 69.)	(Newfoundland. No. 180.)
(South Australia. No. 68.)	

[MY LORD] [SIR],

Downing Street, 2 August, 1911.

I HAVE the honour to transmit to [Your Excellency] [you], to be laid before your Ministers, a copy of a resolution† passed by the Imperial Conference in favour of continuing the policy of encouraging British emigrants to proceed to British Dominions rather than foreign countries. In connection with this resolution, I would refer to the Notes on Emigration from the United Kingdom which were laid

* No. 113 in Dominions No. 19.

† See No. 48.

before the Conference and which are published in the Parliamentary Paper [Cd. 5746-1], pages 216, *et seq.*

I request that you will inform your Ministers that His Majesty's Government will gladly continue to co-operate in this matter with the Government of any Dominion or State so far as it is possible for them to do so.

I have, &c.,
L. HARCOURT.

23678

No. 50.

MR. LEWIS HARCOURT, M.P., to Mr. SYDNEY BUXTON, M.P.

MY DEAR BUXTON,

Downing Street, 4 August, 1911.

I QUITE agree to the proposal, contained in your letter of the 17th July,* that representatives of the Dominions should discuss with representatives of the Board of Trade the question of utilizing the labour exchanges in connexion with emigration to the Dominions. It is, however, most desirable that the Colonial Office and Emigrants' Information Office should have the fullest information as to the discussion at each stage, and I think that this would be best secured by arranging that Mr. F. G. A. Butler, of the Colonial Office, who is also Chairman of the Emigrants' Information Office, should be present at the discussion. He is at this moment on leave but will be back early next week.

Yours, &c.,
L. HARCOURT.

27769

No. 51.

CANADA.

COLONIAL OFFICE to BOARD OF TRADE.

[Answered by No. 54.]

(Confidential.)

SIR,

Downing Street, 22 August, 1911.

I AM directed by Mr. Secretary Harcourt to transmit to you, for the confidential information of the Board of Trade, notes† of an interview between Mr. F. G. A. Butler, of this Office, and Miss St. John Wileman on the subject of the Canadian Immigration Bureau which that lady proposes to establish.

2. It will be seen from these notes that Miss Wileman proposes to co-operate with the Labour Exchanges in filling vacant appointments in this country, and in view of Sir W. Laurier's attitude on this question at the Imperial Conference Mr. Harcourt considers that if the Labour Exchanges are to be used in this connection the Canadian Government must be informed, so that they may take exception to the proposal if they so desire.

I am, &c.,
H. W. JUST.

33232

No. 52.

WESTERN AUSTRALIA.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received October 14, 1911.)

[Copy to Local Government Board, October 24, 1911. L.F.]

[Answered by No. 62.]

(No. 57.)

Government House, Perth, Western Australia,
14th September, 1911.

SIR,

WITH reference to your despatch, No. 71, of the 2nd August, 1911,† transmitting a copy of a Resolution passed by the Imperial Conference in favour of con-

* No. 47.

† Not printed.

‡ No. 49.

tinuing the policy of encouraging British emigrants to proceed to British Dominions rather than foreign countries, I have the honour to acquaint you that my Ministers have intimated that this Resolution passed by the Imperial Conference has been read by them with interest, and they have expressed the view that the policy respecting emigration to British Dominions indicated therein is one with which Ministers are fully in accord.

I have, &c.,
G. STRICKLAND,
Governor.

34831

No. 53.

VICTORIA.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received October 28, 1911.)

[Answered by No. 62.]

(No. 46.)

SIR, State Government House, Melbourne, 25th September, 1911.

I HAVE the honour to acknowledge the receipt of your despatch, No. 76, of the 2nd ultimo,* transmitting a copy of a resolution passed by the Imperial Conference in favour of continuing the policy of encouraging British emigrants to proceed to British Dominions rather than foreign countries.

2. My Ministers are taking all possible steps to encourage desirable British emigration to the State of Victoria.

I have, &c.,
JOHN FULLER.

(Copy sent to Governor-General.)

2515

No. 54.

BOARD OF TRADE to COLONIAL OFFICE.

(Received January 25, 1912.)

[Answered by No. 57.]

Board of Trade, Central Office for
Labour Exchanges and Unemployment Insurance,
Queen Anne's Chambers, Westminster, S.W.,
24th January, 1912.

SIR,

I AM directed by the Board of Trade to refer to the semi-official communication which has passed between the Labour Exchanges Department and representatives of the Colonial Office with regard to the proposed arrangement for submitting to the competent authorities for consideration any proposals which may reach the Board regarding the utilisation of the Labour Exchange machinery in connection with emigration. In accordance with this arrangement any scheme of this kind which may be laid before the Board of Trade by an independent organisation or association will be submitted by them for the consideration of Mr. Secretary Harcourt and, when necessary, of the Government concerned.

The Board, however, do not consider it necessary to adopt this course in the case of the proposals put forward by Miss St. John Wileman, and referred to in your letter of August 22nd (23678/1911),† towards the adoption of which, as at present advised, they propose to take no further action.

I have, &c.,
G. S. BARNES.

* No. 49.

† No. 51.

2516

No. 55.

CANADA.

BOARD OF TRADE to COLONIAL OFFICE.

(Received January 25, 1912.)

[Answered by L.F. transmitting copy of No. 60.]

Board of Trade, Central Office for
Labour Exchanges and Unemployment Insurance,
Queen Anne's Chambers, Westminster, S.W.,
24th January, 1912.

SIR,

I AM directed by the Board of Trade to state, for the information of Mr. Secretary Harcourt, that they have had under consideration the question of the action to be taken in respect of such vacancies as are notified to the Labour Exchanges by employers in Canada. It has hitherto been the practice to consult the representative of the Dominion Government in London with regard to any such vacancies, and to take no action except with his approval, and after it had been ascertained that no infringement of the Immigration Laws of the Dominion would be involved. No advance of fares has in any case been made by the Department to persons placed in touch with employers notifying vacancies.

The Board of Trade are disposed to give instructions that this procedure shall be continued in any similar cases that may arise in the future. In view, however, of the general discussion which arose in this connection at the meeting of the Imperial Conference on 2nd June, 1911, they would be glad to ascertain whether the Dominion Government approve the proposed arrangements.

Six copies of a pamphlet* briefly describing the work of the Labour Exchanges are enclosed.

I have, &c.,
G. S. BARNES.

2517

No. 56.

BOARD OF TRADE to COLONIAL OFFICE.

(Received January 25, 1912.)

[Answered by L.F. transmitting copy of No. 59.]

Board of Trade, Central Office for Labour Exchanges
and Unemployment Insurance, Queen Anne's Chambers,
Westminster, S.W., 24th January, 1912.

SIR,

I AM directed by the Board of Trade to refer to the discussion which took place at the meeting of the Imperial Conference on June 2nd, 1911, with regard to the resolution of the Imperial Government:—

"That the Governments of the various Dominions should consider, in concert with the Imperial Government, the possibility and the best method of utilising the machinery of the national system of Labour Exchanges established in the United Kingdom by the Labour Exchanges Act, 1909, in connection with the notification of vacancies for employment and applications of persons for employment as between the Dominions and the United Kingdom."

It will be remembered that, in view of the opinions then expressed, the resolution was subsequently withdrawn, but it was understood that the question which it raised might be further discussed between the Imperial Government and the Government of any Dominion that desired to avail itself of the national system of Labour Exchanges in connection with emigration.

In these circumstances I am to ask that you move Mr. Secretary Harcourt to be so good as to lay the matter before the Governments of New Zealand and South Africa and the Australian States, and I am to suggest that, should any of these Governments desire to consider the possibilities of co-operation with the Labour Exchanges, their

* Not reprinted.

representatives in this country might be empowered to confer with a representative of the Colonial Office and a representative of the Board of Trade with regard to the procedure to be adopted for carrying the co-operation into effect.

I am further to point out that notifications of individual vacancies are from time to time received by the Labour Exchanges from employers in Australia, New Zealand, and South Africa. It has hitherto been the practice to consult the representatives of the Dominion Government in London with regard to any such vacancies and take no action except with his approval, and it is suggested that this procedure should be continued in the future subject to such modifications as may be agreed upon between representatives in London of the Dominions concerned and representatives of the Board of Trade.

Six copies of a pamphlet* briefly describing the work of the Labour Exchanges are enclosed.

I have, &c.,
G. S. BARNES.

2515

No. 57.

COLONIAL OFFICE to BOARD OF TRADE.

SIR,

Downing Street, 6 February, 1912.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 24th ultimo,† recording, as the result of semi-official communications, that any scheme for utilising the machinery of the Labour Exchanges in connection with emigration put before the Board of Trade by an independent organisation or association will be submitted for the consideration of the Secretary of State, and, when necessary, of the Government concerned.

Mr. Harcourt concurs in the proposal to take no further action in the case of the proposals put forward by Miss St. John Wileman.

I am, &c.,
HENRY LAMBERT,
for the Under-Secretary of State.

2517

No. 58.

THE SECRETARY OF STATE to THE GOVERNORS and GOVERNOR-GENERAL.

[Copy to Board of Trade, February 8, 1912. L.F.]

[Answered by Nos. 63, 64, and 68.]

(Union of South Africa. No. 60.)

(Queensland. No. 18.)

(New Zealand. No. 44.)

(South Australia. No. 19.)

(New South Wales. No. 24.)

(Western Australia. No. 21.)

(Victoria. No. 20.)

(Tasmania. No. 17.)

MY LORD,

Downing Street, 7 February, 1912.

SIR,

I HAVE the honour to refer to the discussion at the Imperial Conference, 1911 (pages 153-160 of [Cd. 5745]), on the resolution of the Imperial Government regarding the suggested utilization of the machinery of the Labour Exchanges in the United Kingdom in connection with the notification of vacancies for employment and applications of persons for employment as between the Dominions and the United Kingdom.

2. I transmit to [Your Excellency] [you], to be laid before your Ministers, a copy of a letter† from the Board of Trade in which it is suggested that if your Government should desire to consider the possibilities of co-operation with the Labour Exchanges their representative in this country might be empowered to confer with representatives of the Colonial Office and of the Board of Trade with regard to the procedure to be adopted.

* Not reprinted.

† No. 54.

‡ No. 56.

3. I should be glad to receive your Ministers' observations on the Board's proposals. I may add that I learn from the Board that sanction has been given to the exhibition of details of vacancies for women workers in the State of Victoria notified by Miss M. G. Cuthbertson, the official representative of the State for the emigration of women workers.

I have, &c.,
L. HARCOURT.

2517

No. 59.

AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 54.)

MY LORD,

Downing Street, 7 February, 1912.

I HAVE the honour to transmit to Your Excellency, for the information of your Ministers, a copy of a despatch* which has been addressed to the Governors of the Australian States, forwarding for the consideration of the State Governments a copy of a letter† from the Board of Trade on the subject of arrangements for the co-operation of the Labour Exchanges in the matter of emigration.

I have, &c.,
L. HARCOURT.

2516

No. 60.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Copy to Board of Trade, 8 February, 1912. L.F.]

[Answered by 24879 in Dominions No. 45.]

(No. 92.)

SIR,

Downing Street, 7 February, 1912.

I HAVE the honour to refer to the discussion at the Imperial Conference, 1911, (pages 153-160 of [Cd. 5745]), on the resolution of the Imperial Government regarding the suggested utilization of the machinery of the Labour Exchanges in the United Kingdom in connection with the notification of vacancies for employment and applications of persons for employment as between the Dominions and the United Kingdom.

2. I have to transmit to Your Royal Highness, to be laid before your Ministers, a copy of a letter‡ from the Board of Trade explaining the procedure now followed in connection with notifications of vacancies received by the Labour Exchanges from employers in Canada, and enquiring, with reference to the discussion at the Conference, whether your Government approve of the continuance of that procedure.

3. I should be glad to learn the views of your Ministers on this matter.

I have, &c.,
L. HARCOURT.

6015

No. 61.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 26 February, 1912.)

[Copy to War Office, 8 March, 1912. L.F.]

(No. 10.)

SIR,

Government House, Wellington, 18th January, 1912.

WITH reference to your despatches, No. 206 of the 27th of June, 1911, and No. 379, of the 10th November last,§ enquiring the views of my Government on the

* No. 58.

† No. 56.

‡ No. 55.

§ No. 46 and remainder of No. 105 in Dominions No. 19.

15466

No. 64.

SOUTH AUSTRALIA.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received May 20, 1912.)

[Copy to Board of Trade, May 30, 1912. L.F.]

(No. 23.)

SIR, Government House, Adelaide, 10th April, 1912.
In reply to your despatch, No. 19 of the 7th February last,* I have the honour to attach herewith a report by my Ministers as to the co-operation of this Government with the Labour Exchanges in the United Kingdom.

I have, &c.,
DAY H. BOSANQUET,
Governor.

Enclosure in No. 64.

Respectfully returned to His Excellency the Governor with minute of the Honourable the Commissioner of Crown Lands and Immigration, which embodies the views of the Government in this matter.

A. H. PEAKE,
Premier.

9th April, 1912.

TO THE HONOURABLE THE PREMIER,

In the Immigration Regulations gazetted on the 28th ultimo, provision is made to enable the selection of any person whose introduction to the State will not cause a congestion in the labour market. This will be acted upon according to the demand. Employers will be invited to notify their requirements to the Department, and if satisfactory information as to shortage of labour in any occupation or trade is forthcoming, instructions will be issued to the Emigration Agent in London to select and grant assisted passages to persons of such trades or occupations. It will, probably, be of great assistance to the Emigration Agent in his search for suitable immigrants to use the machinery of the Board of Trade Labour Exchange in the United Kingdom, and copies of despatches enclosed herein will be forwarded to the Agent-General, and he will be asked to confer with the representatives of the Colonial Office and the Board of Trade, as suggested.

F. W. Y.,
Commissioner of Crown Lands.

3rd April, 1912.

18639

No. 65.

TASMANIA.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received June 17, 1912.)

(No. 17.)

SIR, Government House, Hobart, Tasmania, 8th May, 1912.
With reference to your despatch, No. 31, dated 27th March, 1912,† transmitting copies of despatches from the Governors of Victoria and Western Australia on the subject of the Resolution of the Imperial Conference in favour of continuing the policy of encouraging British emigrants to proceed to British Dominions rather than foreign countries, for information of my Ministers, I have the honour to forward enclosed communication received from the Premier.

I have, &c.,
HARRY BARRON,
Governor.

(No copy to Governor-General.)

* No. 58.

† No. 62.

Enclosure in No. 65.

(55/53/12.)

YOUR EXCELLENCY,

Premier's Office, Hobart, 6th May, 1912.

REFERRING to the accompanying despatch, No. 31, dated the 27th March last, from the Right Honourable the Secretary of State for the Colonies, I have the honour to inform you that Ministers will be pleased to encourage the emigration of desirable British subjects to this State.

His Excellency
The Governor of Tasmania.

I have, &c.,
N. E. LEWIS,
Premier.

18710

No. 66.

NEW SOUTH WALES.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received June 17, 1912.)

(No. 46.)

SIR, State Government House, Sydney, 14th May, 1912.
ADVERTING to your despatch of the 2nd August, 1911, No. 106,* transmitting a copy of a Resolution passed by the Imperial Conference in favour of continuing the policy of encouraging British immigrants to proceed to British Dominions rather than foreign countries, I have the honour to inform you that Ministers have intimated to me that they are heartily in accord with the spirit of the Conference Resolution, and that a vigorous policy, including a system of State aid, is being pursued with the object of encouraging suitable immigrants from Great Britain to make their homes in New South Wales.

I have, &c.,
CHELMSFORD,
Governor.

18855

No. 67.

WESTERN AUSTRALIA.

BOARD OF TRADE to COLONIAL OFFICE.

(Received June 18, 1912.)

[Answered by L.F. transmitting copy of No. 69.]

Board of Trade, Central Office for
Labour Exchanges and Unemployment Insurance,
Queen Anne's Chambers, Westminster, S.W., 17th June, 1912.

SIR, I AM directed by the Board of Trade to acknowledge the receipt of your letter of the 21st May (No. 14343),† forwarding copy of a despatch from the Governor of Western Australia with regard to the suggested utilization of the system of Labour Exchanges in the United Kingdom in connexion with emigration to that State.

While the Board have no wish to press the suggestions put forward in their letter of the 24th January,‡ they desire me to point out that the Government of Western Australia appear to have misunderstood the exact nature of those suggestions. I am, therefore, to explain that the letter in question related not to the finding of suitable employment for emigrants, but to the possible utilization of the system of Labour Exchanges to secure suitable applicants for vacancies which employers in Western Australia, acting through the State Government or independently, might desire to fill.

I am to add, with reference to the penultimate paragraph of their letter of January 24th,‡ that the Board would be glad to learn whether the existing arrangement, under which the representative of the Western Australia Government in London is consulted in each case before vacancies notified to Labour Exchanges by employers in that State are advertised, is regarded as satisfactory.

I have, &c.,
G. S. BARNES.

* No. 49.

† L.F. transmitting copy of No. 63.

‡ No. 56.

19590

No. 68.

TASMANIA.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received June 24, 1912.)

[Copy to Board of Trade, 5 July, 1912. L.F.]

(No. 18.)

SIR, Government House, Hobart, Tasmania, 17th May, 1912.
 WITH reference to your despatch, No. 17, dated 7th February, 1912,* regarding the notification through Labour Exchanges of vacancies for employment, I have the honour to transmit the enclosed communication received from the Premier on the subject.

I have, &c.,
HARRY BARRON,
 Governor.

(No copy to Governor-General.)

Enclosure in No. 68.

Government of Tasmania,

Premier's Office, Hobart, 15th May, 1912.

YOUR EXCELLENCY,

WITH reference to the accompanying despatch, No. 17, dated 7th February last, received from the Right Honourable the Secretary of State for the Colonies regarding the notification through Labour Exchanges of vacancies for employment, I have the honour to inform Your Excellency that there is at present no organised State system of registering vacancies for the unemployed.

2. The Government has recently introduced an arrangement for granting assisted passages to persons nominated by residents of Tasmania, and details of the system can be obtained from the Agent-General for this State in London.

I have, &c.,
G. H. BUTLER,
 Acting Premier.

His Excellency
 The Governor of Tasmania.

18855

No. 69.

WESTERN AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR.

[Copy to Board of Trade, July 5, 1912. L.F.]

[Answered by 31564 in Dominions No. 45.]

(No. 78.)

SIR, Downing Street, 28 June, 1912.
 WITH reference to your despatch, No. 13, of the 15th April,† I have the honour to transmit to you, to be laid before your Ministers, a copy of a letter‡ from the Board of Trade relative to the suggested utilization of the system of Labour Exchanges in the United Kingdom to secure suitable applicants for vacancies which employers in Western Australia may desire to fill.

2. I shall be glad to learn what reply your Ministers wish to be returned to the enquiry in the last paragraph of the Board's letter.

I have, &c.,
L. HARCOURT.

* No. 58.

† No. 63.

‡ No. 67.

8.

(RESOLUTION VIII.): PROVISION FOR DESERTED WIVES AND CHILDREN.

23616

No. 70.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 631.)

(New Zealand. No. 260.)

(Australia. No. 327.)

(Newfoundland. No. 176.)

(Union of South Africa. No. 364.)

[MY LORD] [SIR,]

Downing Street, 28 July, 1911.

WITH reference to my despatch, No. [147] [104] [107] [77] [41], of the 3rd of March* and previous correspondence, I have the honour to transmit to [Your Excellency] [you], to be laid before your Ministers, a copy of a resolution passed by the Imperial Conference in favour of the adoption in the constituent parts of the Empire of reciprocal legal provisions in the interests of deserted wives and children.

The matter is under the consideration of His Majesty's Government, and a further despatch will be addressed to you later on the subject.

I have, &c.,
L. HARCOURT.

Enclosure in No. 70.

VIII.—PROVISION FOR DESERTED WIVES AND CHILDREN.

That in order to secure justice and protection for wives and children who have been deserted by their legal guardians, either in the United Kingdom or any of the Dominions, reciprocal legal provisions should be adopted in the constituent parts of the Empire in the interests of such destitute and deserted persons.

23616

No. 71.

COLONIAL OFFICE to LOCAL GOVERNMENT BOARD.

[Answered by No. 73.]

SIR,

Downing Street, 2 August, 1911.

WITH reference to the letter from this Department of the 15th of March† and previous correspondence, I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Local Government Board, a copy of a resolution‡ passed by the Imperial Conference in favour of the adoption in the constituent parts of the Empire of reciprocal legal provisions in the interests of deserted wives and children.

2. I am to request you to invite the attention of the Board to the discussion which took place at the Conference on this subject as reported on pages 210 and 211 of [Cd. 5745], and more especially to the suggestion of the Attorney-General of New Zealand on page 211 for Imperial legislation making an order of the court issued in one part of the Empire enforceable in other parts. There are already precedents for such a procedure in the legislation of some of the Dominions, and as it is very desirable that effect should be given to the resolution of the Conference, the Local Government Board will no doubt consider carefully whether the suggested procedure cannot be adopted or other means be found to attain the end in view.

I am, &c.,
C. P. LUCAS.

* No. 431 in Dominions No. 19. † Transmitting copy of enclosure in No. 431 in Dominions No. 19.
 ‡ Enclosure in No. 70.

23616

No. 72.

COLONIAL OFFICE to LOCAL GOVERNMENT BOARD FOR SCOTLAND,
LOCAL GOVERNMENT BOARD FOR IRELAND, BOARD OF TRADE,
AND HOME OFFICE.

[Answered by No. 74.]

SIR, Downing Street, 2 August, 1911.
WITH reference to your letter of the [11th February] [3rd February] [2nd March] [28th January],* I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before [the Local Government Board for Scotland] [the Local Government Board for Ireland] [the Board of Trade] [Mr. Secretary Churchill], a copy of a resolution† passed by the Imperial Conference in favour of the adoption in the constituent parts of the Empire of reciprocal legal provisions in the interests of deserted wives and children, together with a copy of a letter‡ to the Local Government Board on the subject.

I am, &c.,
C. P. LUCAS.

40842

No. 73.

LOCAL GOVERNMENT BOARD to COLONIAL OFFICE.

(Received December 22, 1911.)

[Answered by No. 76.]

SIR, Local Government Board, Whitehall, S.W., 21st December, 1911.
I AM directed by the Local Government Board to advert to Mr. Lambert's letter of the 9th ultimo (No. 23616/1911),§ with respect to the resolution passed at the Imperial Conference of 1911 on the subject of reciprocal legislation in the interests of deserted wives and children, and in reply to state that the matter has received the careful consideration of the Board.

The Board gather from the Minutes of Proceedings|| of the Imperial Conference that, in order to give effect to the resolution referred to, the resolution of the Conference on the subject of the enforcement of Commercial Arbitration Awards was extended so as to embrace mutual arrangements for the enforcement generally of all judgments and orders of Courts of Justice, including judgments or orders for the reinforcement of arbitration awards (see Minutes of Proceedings, pages 330 and 425). The Board, moreover, observe that the reference to "poor relief burdens" in the original resolution submitted to the Conference on the subject of deserted wives and children was struck out. If the deletion of this reference may be taken as an indication that such procedure as may be adopted for securing the enforcement abroad of Orders against persons who have deserted their wives and children is not to be available for Boards of Guardians in this country, the Board would practically cease to be concerned in the matter, and one of their objections to the original resolution would be removed. At the same time, the Board see no reason for altering the views expressed in the memorandum which they submitted to the Secretary of State for the Colonies in January last.¶

The Board assume that in these circumstances the Secretary of State will consult the Law Officers of the Crown as to the form of any legislation which may be prepared for giving effect to the resolution above referred to on the subject of the enforcement of Orders of Courts of Justice generally, and if such legislation is so framed as to introduce reciprocal procedure which will be available to Boards of Guardians in this country, the Board will be happy to consider any draft of a Bill which may be submitted to them. They may add, however, that so far as Orders of Courts of Summary Jurisdiction are concerned, the Home Office would appear to be the Department mainly concerned.

I am, &c.,
WALTER T. JERRED,
Assistant Secretary.

* Nos. 427, 426, Enclosure in No. 431, and No. 425 in Dominions No. 19.

† Enclosure in No. 70.

‡ [Cd. 5745.]

§ No. 71.

¶ Reminder of No. 71.

|| Enclosure in No. 423 in Dominions No. 19.

871

No. 74.

LOCAL GOVERNMENT BOARD FOR SCOTLAND to COLONIAL OFFICE.

(Received January 9, 1912.)

[Answered by No. 75.]

SIR, Local Government Board, Edinburgh, 8th January, 1912.
REFERRING to your letter, dated 2nd August last,* enclosing a copy of a resolution passed by the Imperial Conference, in favour of the adoption in the constituent parts of the Empire of reciprocal legal provisions in the interests of deserted wives and children, I beg to inform you that the Board communicated the contents of your letter to the Inspectors of Poor of the larger Parish Councils in Scotland. I am now directed to enclose, for your information, copies of letters received in reply from the Parish Councils of Glasgow, Edinburgh, Govan, and Dundee.

I am, &c.,
A. MURRAY,
Secretary.

Enclosure 1 in No. 74.

Parish Council Chambers, 266, George Street, Glasgow,
11 September, 1911.

Imperial Grants.

SIR, I HAVE to acknowledge receipt of your letter of the 7th instant enclosing copy of a letter with relative enclosures which the Board received from the Colonial Secretary in regard to Resolution No. VIII. of the recent Imperial Conference.

As suggested, I have since obtained a copy of the Minutes of Proceedings of the Conference, and have perused carefully the discussion which followed the submission of the resolution in question. I need not say that I am in entire sympathy with the resolution and trust that the Government will take the necessary steps to legislate thereon.

I am, &c.,
JAS. R. MOTION,
Inspector and Clerk.

The Secretary,
Local Government Board,
Edinburgh.

Enclosure 2 in No. 74.

Edinburgh Parish Council Chambers, Castle Terrace,
Edinburgh, 18 October, 1911.

Deserted Wives and Children.
Reciprocity Destitute Persons Law.

SIR, I BEG to say that your letter of 7th instant, with accompanying enclosures, together with the memorandum by the Local Government Board for Scotland as printed on pages 226, 227 and 228 of the print of papers laid before the Imperial Conference has now been considered by this Council.

I am instructed to say that the Council cordially approve of the attitude taken up by the Board, and, in intimating such approval, they authorize me to express the hope that, along with the other authorities, your Board will use every means in their power to obtain legislation to give effect to the finding of the Conference, viz.:—"That, in order to secure justice and protection for wives and children who have been deserted by their legal guardians either in the United Kingdom or any of

the Dominions, reciprocal legal provisions should be adopted in the constituent parts of the Empire in the interests of such destitute and deserted persons."

The Secretary,
Local Government Board,
Edinburgh.

I am, &c.,
JAMES KYD.

Enclosure 3 in No. 74.

Govan Combination Parish Council Chambers, 7-8, Carlton Place,
Glasgow, 2nd December, 1911.

Deserted Wives and Children.

Proposed reciprocal legal provisions throughout the Empire.

SIR,

Your letter of 7th September last, with relative enclosures, was considered by my Council at their meeting held on Thursday last, when the resolution passed by the Imperial Conference in favour of the adoption in the constituent parts of the Empire of reciprocal legal provisions in the interest of deserted wives and children was unanimously approved of.

I am, &c.,
JOHN MITCHELL,
Inspector of Poor.

The Secretary,
Local Government Board,
Edinburgh.

Enclosure 4 in No. 74.

Parish Council Chambers, West Bell Street, Dundee,
23rd October, 1911.

Reciprocity Destitute Persons Law.

Deserted Wives and Children.

SIR,

WITH reference to yours of the 7th September last, on the above subject, the matter was discussed at a meeting of the Relief Committee, when it was unanimously agreed to request the Board to use their influence in the proper quarter to enable the resolution adopted at the Imperial Conference to be carried into law.

I am, &c.,
BOBT. ALLAN,
Inspector.

The Secretary,
Local Government Board,
Edinburgh.

871

No. 75.

COLONIAL OFFICE to LOCAL GOVERNMENT BOARD FOR SCOTLAND.

[Answered, agreeing to conference, by 4629: not printed.]

SIR,

Downing Street, 2 February, 1912.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 8th of January,* on the subject of the resolution passed by the Imperial Conference in favour of the adoption in the constituent parts of the Empire of reciprocal legal provisions in the interests of deserted wives and children.

2. In reply, I am to transmit to you, for the information of the Local Government Board, the accompanying copy of correspondence† with the Local Government Board for England, and I am to state that Mr. Harcourt would be glad if the Local Government Board could see their way to arrange for a meeting between the Legal Adviser, or other representative of the Board, with representatives of the Home Office, the Local Government Board for England, and this Department, with a view

* No. 74.

† Nos. 73 and 76.

to considering whether it might not be possible to adopt legislation to give effect to the resolution in question so far as it concerns the United Kingdom.

3. At the same time I am to request that you will invite the attention of the Local Government Board to the difficulty which would seem to exist in avoiding injustice in enforcing orders in this country which have been made elsewhere, and *vice versa*. It would seldom be possible for the Court in the country in which application was made for the enforcement of an order to deal satisfactorily with defences which might be made by the person against whom the order was sought to be enforced. For instance, in the case of an order obtained against a man who was leaving this country, which it was sought to enforce, say, in Canada, if the man were to allege adultery by the wife or prior desertion, it would not appear to be possible, in the absence of the principal witnesses in this country, for the Canadian Court to arrive at any certain decision with regard to the sufficiency of the defence. Mr. Harcourt would be glad if the Board would consider how, if legislation were passed, the risk of hardship which might be entailed in such cases can be avoided.

4. A copy of your letter and of this reply has been sent to the Local Government Board for England, and the Home Office.

I am, &c.,
JOHN ANDERSON.

40842

No. 76.

COLONIAL OFFICE to LOCAL GOVERNMENT BOARD.

SIR,

Downing Street, 2 February, 1912.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 21st December,* on the subject of Resolution VIII. of the Imperial Conference of 1911, in favour of reciprocal legislation in the interests of deserted wives and children.

2. In reply, I am to request that you inform the Local Government Board that Mr. Harcourt does not think it possible to deal with this question in connection with Resolution XXV. of the Conference in favour of the mutual enforcement of Judgments and Orders of Courts of Justice in the several parts of the Empire. Mr. Harcourt is advised that Resolution XXV. must in practice be restricted to the enforcement of Judgments of the Superior Courts and to the particular case of arbitration awards, it being very doubtful whether any system could be devised for the general enforcement of Orders of Courts of Summary Jurisdiction.

3. Resolution VIII. of the Conference must accordingly be considered on its own merits, and I am to observe that Mr. Harcourt thinks that the omission of the reference to "poor relief burdens" from the Resolution as originally submitted to the Conference was not intended to indicate that any procedure that might be adopted for securing the enforcement abroad of orders against persons who have deserted their wives or children was not to be available for Boards of Guardians in this country. He would suggest, therefore, that the possibility of adopting some legislation in this country should be further considered at a Conference between the Legal Advisers or other representatives of the Local Government Boards of Scotland and England, the Home Office, and this Department, with a view to ascertaining whether or not legislation is possible to give effect in this country to orders for maintenance made elsewhere. In this connection, I am to call attention to Section 80 of the New Zealand Act, No. 38, of 1910, a copy of which is enclosed, which, with the omission of all reference to affiliation orders, might be useful as a precedent for such legislation. A copy of the South Australia Act, No. 1008, of 1910, is also enclosed for your information.

4. I am to enclose copy of correspondence† with the Local Government Board for Scotland on this subject, and to add that a copy of your letter and of this reply is also being forwarded to the Home Office.

I am, &c.,
JOHN ANDERSON.

* No. 73.

† Nos. 74 and 75.

871

No. 77.

COLONIAL OFFICE to HOME OFFICE.

[Answered, concurring, by 5925: not printed.]

SIR,

Downing Street, 2 February, 1912.

WITH reference to the letter from this Office of the 2nd of August last,* I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before Mr. Secretary McKenna, the accompanying copy of correspondence† on the subject of the resolution passed by the Imperial Conference in favour of the adoption in constituent parts of the Empire of reciprocal legislation in the interests of deserted wives and children.

2. Mr. Harcourt will be glad if Mr. McKenna can see his way to authorising the Legal Adviser of the Home Office to discuss this question with the Legal Advisers of the Local Government Boards for England and Scotland and the Legal Adviser of this Office.

I am, &c.,

JOHN ANDERSON.

7783

No. 78.

COLONIAL OFFICE to HOME OFFICE.

[Answered by No. 82.]

SIR,

Downing Street, 8 May, 1912.

WITH reference to your letter of the 23rd of February,‡ I am directed by Mr. Secretary Harcourt to transmit to you to be laid before Mr. Secretary McKenna the accompanying prints of the minutes of the Inter-departmental Conference held at the Colonial Office on March 20th to consider the means of carrying out the resolution passed by the Imperial Conference in favour of the adoption in the constituent parts of the Empire of reciprocal legal provisions in the interests of deserted wives and families.

2. If Mr. Secretary McKenna concurs in the recommendations made by the Inter-departmental Conference, Mr. Harcourt proposes to ask the Parliamentary Draughtsman to prepare a Bill for transmission to the Governments of the self-governing Dominions, as indicating the lines on which His Majesty's Government think that legislation might be passed and the steps which they are prepared to take in the matter.

3. A similar letter is being addressed to the Local Government Boards for England and Scotland.

I am, &c.,

H. W. JUST.

Enclosure in No. 78.

MINUTES OF INTERDEPARTMENTAL CONFERENCE HELD AT THE COLONIAL OFFICE ON MARCH 20TH, 1912, AT 3 P.M., TO CONSIDER THE MEANS OF CARRYING OUT THE RESOLUTION PASSED BY THE IMPERIAL CONFERENCE IN FAVOUR OF THE ADOPTION IN THE CONSTITUENT PARTS OF THE EMPIRE OF RECIPROCAL LEGAL PROVISIONS IN THE INTERESTS OF DESERTED WIVES AND CHILDREN.

PRESENT :

Sir HARTMANN JUST (in the Chair).

Mr. J. S. RISLEY (representing the Colonial Office).

Mr. H. B. SIMPSON (representing the Home Office).

Mr. H. C. BIRON (Police Magistrate).

Mr. W. T. JERRED (representing the Local Government Board for England).

Mr. E. F. MACPHERSON (representing the Local Government Board for Scotland).

Mr. A. B. KEITH (Secretary).

Mr. Macpherson explained that importance was attached to the matter from a practical point of view by the Local Government Board for Scotland because

* No. 72.

† Nos. 73, 76, 74, and 75.

‡ 5925: not printed.

representations were constantly made to them on this subject by local Poor Law authorities in Scotland. It appeared from a return which had been rendered that in the last year there were 122 cases in Glasgow in which it was known that husbands had gone to the Dominions and had deserted their wives and families, leaving them to become chargeable to the Poor Law authorities. He explained that under Scottish law the procedure at the instance of a Parish Council in the case of a husband who deserted his wife and family was of a quasi criminal character under the Poor Law Act, 1845, and that he might be sentenced to imprisonment. A deserted wife had a right of action for aliment at Common Law, and the husband might be imprisoned if he did not comply with an Order for the maintenance of his wife and family. The desire of the Local Government Board for Scotland was that some method should be adopted by which persons who went to the Colonies could be induced to send home money for the support of their wives and families.

Mr. Risley pointed out that there were two questions which should be considered separately as they presented different aspects, viz., the case in which an Order had been made by a Court in the United Kingdom against a husband in respect of the maintenance of his wife and family, and thereafter the husband had left the country; and secondly, those cases in which before the making of any such Order a husband left the country and his wife and family thereafter became destitute. He considered that the number of cases of the second class was probably very much larger than the number of cases of the first class, and Mr. Macpherson concurred in this view for cases in Scotland.

With regard to the first class of cases, it was agreed that there was no objection, in principle, to extending to them the principle of the Judgments Extension Act, 1868, which already applied to the extension of judgments of Superior Courts in the three parts of the United Kingdom. To carry out this principle it would be necessary to legislate in this country in order to provide for the enforcement by Courts of Summary Jurisdiction in this country of orders made by similar Courts in maintenance cases in the Colonies. Such legislation would, of course, be applied only when reciprocal legislation had been passed in the Colonies, and the Act could be expressed in the form that an Order in Council could be issued bringing it into force in respect of any Colonies in which reciprocal legislation had been passed.

Mr. Simpson pointed out that an Order once issued in this country lasts during the life of the parties, unless set aside for good cause, and that care must be taken to prevent such an order from being automatically enforced in the Colony, after cause has arisen for setting it aside, and it was agreed that this could not be permitted, but that the English procedure must be followed, namely, that if an Order had been made and the husband in a Colony failed to comply with it, the wife in this country must take steps in the usual way to apply for process in respect of the arrears. It was also agreed that it would be necessary, in order to make the Act effective, that the husband should pay any sums to the officer of the Colonial Court by whom they could be remitted to this country, since otherwise confusion would always result on the mere question of whether the payment had been made.

Mr. Simpson was anxious that further precautions should be taken to secure that the Court did not grant process in respect of arrears without satisfying itself by independent evidence that the wife was not notoriously guilty of such misconduct as to disentitle her to alimony or maintenance. He pointed out that grave hardship might arise if process were granted on application while the defendant was not in a position to prove that his wife was leading an immoral life and was no longer entitled to maintenance. Mr. Biron stated that in England in such cases the wife would be entitled to obtain the arrears, but that the husband would be entitled, if he had evidence to show that her conduct was immoral, to obtain a rescinding of the original order. He admitted that there would be much greater difficulty in the case of a man who was resident in a Colony, as it would probably be impracticable for him to take proceedings to vary the order. It was considered, however, by Sir Hartmann Just, Mr. Risley, and Mr. Macpherson that while the objection was a sound one, it was one which could not in any convenient manner be removed, and that it must be sufficient in reporting on the proposal to point out the objection, and this was agreed to by Mr. Simpson and Mr. Jerred.

On the second question—where husbands who are living in a Colony fail to maintain wives and children left behind in the United Kingdom—there was felt to be much greater difficulty. Mr. Biron explained that it was contrary to the

existing law in this country to make an order against a defendant who could not be summoned to appear. It was true that a summons could be sent to the last known address, but that was only in cases where the man was still supposed to be in this country, and if it were known that he were abroad an order could not be made. Moreover, the making of orders against absent defendants was a thing that was contrary to the ordinary practice, and he felt that there were strong objections to the making of any such orders. He, himself, in actual practice under the Act of 1895, when a defendant did not appear was in the habit of adjourning the case for a week with a view to obtaining his presence, if possible, and he caused him to be warned that if he did not appear the case would be dealt with in his absence. On the other hand, Mr. Macpherson considered that though it was not the practice in Scotland to make such orders against defendants who were absent, nevertheless, he did not see strong objections to the making of such orders. A man who deserted his wife and children was, *prima facie*, in the wrong, and if he were, as he no doubt was, at a disadvantage in raising defences that might otherwise be open to him, that was a disadvantage in which he had involved himself. He explained, however, that in Scotland no defence was open in a case in which a wife sued for alimony except that the husband was willing and ready to take her back and to provide for her. The wife's right of action against her husband was a Common Law and not a statutory right. On the other hand, Mr. Biron pointed out that under the Statute of 1895, which alone conferred jurisdiction on magistrates in such cases, various defences were open to the husband, for example, that the parties had separated by mutual agreement, which was a very common and often a perfectly genuine defence, or that the wife had committed adultery. There were also other defences based on the model of divorce jurisdiction.

[Cd. 5745],
p. 209. Mr. Macpherson raised the question whether it would be possible to apply the principle of the Fugitive Offenders Act to cases of men who deserted their wives and families. Sir Hartmann Just pointed out that this mode of procedure was regarded by Sir John Findlay (who was under the erroneous impression that it was at present available) as much too cumbersome and expensive, while, if carried into effect, it would merely mean that the husband would be brought home and imprisoned for a comparatively brief period without any special advantage accruing to the deserted wife or children. It was agreed by Mr. Macpherson that the procedure could hardly be justified. He suggested, however, that the remedy of deportation might be applied by the Colonies to cases in which husbands resident there had deserted wives and children. Sir Hartmann Just pointed out that even the Canadian law, which in the matter of deportation went further than other Colonial laws made no direct provision for deportation in such cases, although, no doubt, the Government could use the wide powers of deportation conferred by the Act in such a manner as to effect the same result. Sir Hartmann Just deprecated strongly any proposal to the Dominions that this form of procedure should be adopted, and he indicated that it would be impracticable to adopt reciprocity in this matter in the United Kingdom. It was agreed that it would be inadvisable that this course of action should be suggested to the Governments.

Mr. Biron suggested that it might be possible to adopt the plan of making in the Courts of this country provisional orders for maintenance on the application of a deserted wife, which orders should become effective on being confirmed by the Courts in the Colonies. The procedure would, roughly speaking, be that the wife should apply to the Court for an order and should be granted that order if she made out a *prima facie* case; the whole record would then be submitted to the Court in the Dominion within whose jurisdiction the defendant was resident, and that Court should then confirm the order if it thought fit to do so or hear the defences which might be alleged by the husband. On the suggestion of Mr. Risley it was agreed that the procedure might be made more satisfactory by adopting the principle of Section 5 of the Extradition Act of 1873* by providing that if the husband desired he could request that evidence should be obtained from this country in his interests. It was agreed that this would be practicable, even though it might add considerably to the delay in the proceedings. Mr. Simpson pointed out that it would not be available for cross-examination of the witnesses on whose evidence the original provisional order had been made, but it was agreed that power should be given for the wife to have the witnesses whose evidence was taken on behalf of

* 36 & 37 Viet. c. 60, s. 5.

the husband cross-examined on her behalf. Mr. Simpson was of opinion that on the analogy of the Commissions Rogatoires which came from foreign countries the procedure would be really quite simple and inexpensive.

It was agreed that the proper mode of procedure would be by Imperial Act, which would give the magistrates the power to make the proposed provisional orders against defendants *in absentia*, and which would empower magistrates to confirm provisional orders made *in absentia* against defendants in this country by Courts in the Colonies. The Imperial Act might apply to all the Crown Colonies, and, in the case of the Dominions, it might be provided that it should be applied by Order in Council to any Dominion, if reciprocal legislation had been passed in that Dominion, providing for the completion and enforcement in the Dominion of provisional orders made in this country and for the making of provisional orders in the Dominion against defendants in this country.

It was recognized that the same difficulties would exist in the case of such orders as regards their continuous enforcement as existed in the case of the enforcement of orders made against a defendant before he left the country. It was also agreed by all the members of the Conference that the procedure proposed was open to considerable objection, but that if the object of the Imperial Conference was to be carried out, it was, in their opinion, the least objectionable which could be devised. Mr. Jerred was very doubtful of the wisdom of the policy as a whole, and he stated that the Local Government Board were unwilling to encourage local Poor Law authorities to spend money in such cases. Mr. Macpherson stated that the view taken in Scotland was different, and they would not object to the local Poor Law authorities making payments in cases of this sort in order to enforce obligations.

The case of orders for maintenance made in England, Scotland, or Ireland on the application of Poor Law authorities was not separately discussed, but would no doubt be covered by the principles mentioned above.

7783

No. 79.

COLONIAL OFFICE to LOCAL GOVERNMENT BOARD FOR SCOTLAND
AND THE LOCAL GOVERNMENT BOARD.

[Answered by Nos. 81 and 83.]

SIR,

Downing Street, 8 May, 1912.

[WITH reference to your letter of the 14th of February*] [With reference to the letter from this Office of the 19th of February†], I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the [Local Government Board for Scotland] [Local Government Board], the accompanying prints of the minutes‡ of the Inter-departmental Conference, held at the Colonial Office on March 20th, to consider the means of carrying out the resolution passed by the Imperial Conference in favour of the adoption in the constituent parts of the Empire of reciprocal legal provisions in the interests of deserted wives and families.

2. If the Local Government Board concurs in the recommendations made by the Inter-departmental Conference, Mr. Harcourt proposes to ask the Parliamentary Draughtsman to prepare a Bill for transmission to the Governments of the self-governing Dominions, as indicating the lines on which His Majesty's Government think that legislation might be passed and the steps which they are prepared to take in the matter.

3. A similar letter is being addressed to the Local Government Board [for England] [for Scotland] and to the Home Office.

I am, &c.,

H. W. JUST.

7783

No. 80.

COLONIAL OFFICE to LOCAL GOVERNMENT BOARD FOR IRELAND.

[Answered by No. 84.]

SIR,

Downing Street, 8 May, 1912.

WITH reference to the letter from this Office of the 2nd of August last,§ I am directed by Mr. Secretary Harcourt to transmit to you, for the information of the

* 4629: not printed.

† 4629: not printed.

‡ Enclosure in No. 78.

§ No. 72.

Local Government Board for Ireland, the accompanying prints of the minutes* of the Inter-departmental Conference held at the Colonial Office on March 20th to consider the means of carrying out the resolution passed by the Imperial Conference in favour of the adoption in the constituent parts of the Empire of reciprocal legal provisions in the interests of deserted wives and families.

2. I am to explain that this Inter-departmental Conference was held at the desire of Mr. Harcourt.

3. Mr. Harcourt will be glad to learn whether the Local Government Board for Ireland see any objection to the adoption, as regards Ireland, of the recommendations of the Inter-departmental Committee.

I am, &c.,
H. W. JUST.

14974

No. 81.

LOCAL GOVERNMENT BOARD FOR SCOTLAND to COLONIAL OFFICE.

(Received May 15, 1912.)

SIR, Local Government Board, Edinburgh, 14th May, 1912.
WITH reference to your letter, dated 8th instant (No. 7783/1912),† I am directed by the Local Government Board for Scotland to state that they concur in the recommendations made by the Inter-departmental Conference which was held on 20th March last to consider the question of the proposed reciprocal legal provisions in the constituent parts of the Empire in the interests of deserted wives and children.

I am, &c.,
DAVID BROWN,
Assistant Secretary.

15665

No. 82.

HOME OFFICE to COLONIAL OFFICE.

(Received May 21, 1912.)

SIR, Home Office, Whitehall, 20th May, 1912.
IN reply to the Colonial Office letter of the 8th instant,‡ transmitting prints of the Minutes of the Inter-Departmental Conference, held at the Colonial Office on March 20th, to consider the means of carrying out the Resolution passed by the Imperial Conference in favour of the adoption in the constituent parts of the Empire of reciprocal legal provisions in the interests of deserted wives and families, I am directed by Mr. Secretary McKenna to say, for the information of Mr. Secretary Harcourt, that he concurs in the proposal to ask the Parliamentary Draughtsman to prepare a Bill indicating the lines on which His Majesty's Government consider that legislation to that end might be undertaken.

I am, &c.,
H. B. SIMPSON.

16719

No. 83.

LOCAL GOVERNMENT BOARD to COLONIAL OFFICE.

(Received May 31, 1912.)

SIR, Local Government Board, Whitehall, S.W., 30th May, 1912.
I AM directed by the Local Government Board to acknowledge the receipt of Sir H. Just's letter of the 8th instant,† forwarding prints of the Minutes of the Inter-Departmental Conference held at the Colonial Office to consider the means of carrying out the resolution passed at the Imperial Conference of 1911 on the subject of reciprocal legislation in the interest of deserted wives and children.

* Enclosure in No. 78.

† No. 79.

‡ No. 78.

I am directed to state that the Board will be glad to see a draft of the Bill which the Secretary of State for the Colonies proposes to have prepared dealing with the matter.

I am, &c.,
N. T. KERSHAW,
Assistant Secretary.

17313

No. 84.

LOCAL GOVERNMENT BOARD FOR IRELAND to COLONIAL OFFICE.

(Received June 5, 1912.)

SIR, Local Government Board, Dublin, 4th June, 1912.
WITH reference to your letter of the 8th May last, No. 7783/12,* I am directed by the Local Government Board for Ireland to state, for your information, that they have had under consideration the Minutes of the Inter-departmental Conference, held at the Colonial Office on 20th March last, to consider the means of carrying out the resolution passed by the Imperial Conference in favour of the adoption in the constituent parts of the Empire of reciprocal legal provisions in the interests of deserted wives and families.

As indicated in the Memorandum accompanying their letter of the 3rd February, 1911,† the Board are of opinion that the number of cases to which reciprocal legislation would apply in this country would be very limited, and it would seem that the difficulties in the way of making such legislation effective, even to this limited number, are exceedingly great.

The Board have taken the advice of Senior Counsel upon the legal aspect of the case, and he states as follows:—

"The recommendations of the Inter-Departmental Committee appear to me to be unworkable. Take the case of a man who emigrates to Australia. A woman alleges that she is his wife, and that certain children who are hers are his also. She, in his absence, gets an order against him behind his back. It may have all the vices of an order obtained *ex parte*. It possibly ought never to have been granted. This order is sent to Australia. It is served on a man who is supposed to be the defendant. He shows cause against it. He may have several defences, any one of which may be sufficient, or he may have none. Whether he has a good defence or a bad defence, the case must be tried in Australia, as in England or Ireland, behind the back of the plaintiff. The parties can never in practice be brought face to face so as to enable the tribunal to give a satisfactory judgment. I am dealing with the matter from a practical point of view, and not with what is possible by the expenditure of large sums of money. The expense would be prohibitive. Take the first essential proof—the identity of the man served with the order in Australia with the person against whom the order was made in England or Ireland. This might involve very great expense. Take another most meritorious defence—that the man was driven to emigrate by the shame of his wife's previous desertion of him and living with another man in adultery. How could that issue be tried in Australia without vast cost to both the parties? It would be just as cheap for the wife to follow the man to Australia, and to see him there—that is, if there is to be any real trial.

"In my opinion the suggested inter-departmental legislation would have no beneficial result."

The Local Government Board have no alternative suggestions to offer to those made by the Conference, and if the legislation is considered desirable for England and Scotland there would seem to be no reason for excluding Ireland from its scope. The expenditure, however, which would be involved would, in the opinion of the Board, be likely to deter any Irish local authorities from putting the new law into operation.

I am, &c.,
A. R. BARLAS,
Secretary.

* No. 80.

† No. 426 in Dominions No. 19.

17313

No. 85.

COLONIAL OFFICE to TREASURY.

[Answered by 21721 in Dominions No. 45.]

SIR,

Downing Street, 25 June, 1912.

I AM directed by Mr. Secretary Harcourt to request you to inform the Lords Commissioners of the Treasury that he has had under consideration the VIIIth Resolution passed by the Imperial Conference last year, dealing with the question of legal provision for deserted wives and children.

2. The resolution in question was as follows :—

"That, in order to secure justice and protection for wives and children who have been deserted by their legal guardians either in the United Kingdom or any of the Dominions, reciprocal legal provisions should be adopted in the constituent parts of the Empire in the interests of such destitute and deserted persons."

3. I am to enclose a print of the Minutes* of a meeting held at the Colonial Office on March 20th, 1912, between representatives of the Departments concerned at which the subject was discussed. It will be seen that it was considered at this meeting that the best method of procedure would be by an Imperial Act which would give the magistrates the power to make provisional orders against defendants *in absentia*, and would empower them to confirm provisional orders made *in absentia* against defendants in this country by Courts in the Colonies.

4. Mr. Harcourt has consulted the Home Office and the Local Government Boards for England, Scotland, and Ireland as to the preparation of an Imperial Act, and I am now to request that the Lords Commissioners will instruct the Parliamentary Draughtsman to draft a Bill carrying out the recommendation made at the meeting of March 20th. Mr. Harcourt is advised that the Bill should provide :—

- (1) For the making of provisional orders in the United Kingdom for maintenance, to be completed and enforced in some other part of the Empire.
- (2) For the completion and enforcement in the United Kingdom of provisional orders for maintenance made in some other part of the Empire.
- (3) For the enforcement in the United Kingdom of orders for maintenance (already complete and binding where made) in some other part of the Empire.

He is further advised that there might be difficulties in making the Imperial Act applicable to the Crown Colonies as suggested by the Inter-departmental Conference, and that it would be best that the Bill should extend only to the United Kingdom, provision being made, as, for example, in the Colonial Probates Act, 1892, for the application of the Act by Order in Council to any Dominion, Colony, or Protectorate enacting reciprocal legislation.

5. Mr. Harcourt would propose, as soon as the Bill has been drafted, to send it out to the self-governing Dominions as indicating the lines on which His Majesty's Government think that legislation might be passed, and the steps which they are prepared to take in the matter.

I am, &c.,
H. W. JUST.

* Enclosure in No. 78.

9.

(RESOLUTION IX.): COURT OF APPEAL.

23192

No. 86.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 612.)

Downing Street, 26 July, 1911.

MY LORD,

WITH reference to Your Excellency's despatch, No. 298, of the 20th May,* I have the honour to transmit to you, to be laid before your Ministers, a sealed copy of an Order of His Majesty in Council of the 5th instant,† together with six spare copies, revoking the Order in Council of the 20th March, 1863, and making new provision for regulating appeals from the Supreme Court of the Province of Nova Scotia to His Majesty in Council.

I have, &c.,
L. HARCOURT.

23192

No. 87.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Australia. No. 315.)
(New South Wales. No. 104.)
(Victoria. No. 72.)
(Queensland. No. 66.)
(South Australia. No. 66.)

(Western Australia. No. 69.)
(Tasmania. No. 46.)
(Union of South Africa. No. 347.)
(New Zealand. No. 252.)
(Newfoundland. No. 168.)

Downing Street, 26 July, 1911.

[MY LORD] [SIR],

I HAVE the honour to transmit to [Your Excellency] [you], for the information of your Ministers, a copy of an Order of His Majesty in Council of the 5th instant,† making new provision for regulating appeals from the Supreme Court of the Province of Nova Scotia to His Majesty in Council and revoking the Order in Council of the 20th March, 1863.

I have, &c.,
L. HARCOURT.

23617

No. 88.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

- (1. Canada. No. 620.)
- (2. Australia. No. 321.)
- (3. New South Wales. No. 105.)
- (4. Victoria. No. 73.)
- (5. Queensland. No. 67.)
- (6. South Australia. No. 67.)
- (7. Western Australia. No. 70.)
- (8. Tasmania. No. 47.)
- (9. Union of South Africa. No. 356.)
- (10. New Zealand. No. 257.)
- (11. Newfoundland. No. 172.)

Downing Street, 28 July, 1911.

[MY LORD,] [SIR,]

[To (1) (2) (9) (10) and (11) only: With reference to my despatch No. [182] [131] [132] [106] [65] of the 17th of March†] I have the honour to transmit to you, to be laid before your Ministers, a copy of Resolution No. IX. passed by the Imperial

* 17723 : not printed.

† Enclosure in 23192 : not reprinted.

‡ No. 137 in Dominions No. 19.

Conference on the subject of a single final Court of Appeal for the Empire. A copy of a statement* showing the action which His Majesty's Government propose to take is also enclosed.

I have, &c.,
L. HARCOURT.

Enclosure in No. 88.

IX.—COURT OF APPEAL.

That, having heard the views of the Lord Chancellor and Lord Haldane, the Conference recommends that the proposals of the Government of the United Kingdom be embodied in a communication to be sent to the Dominions as early as possible.

24289

No. 89.

NEW SOUTH WALES.

COLONIAL OFFICE to PRIVY COUNCIL OFFICE.

[Answered by No. 90.]

SIR, Downing Street, 2 August, 1911.
I AM directed by Mr. Secretary Harcourt to transmit to you a copy of a Bill† of the Parliament of New South Wales shortly entitled "Criminal Appeal Act of 1911."

I am to draw attention to Section 29 of the Bill. Mr. Harcourt presumes that this section would not prevent the Judicial Committee granting special leave to appeal in any case in which it was thought advisable.

I am, &c.,
C. P. LUCAS.

26247

No. 90.

NEW SOUTH WALES.

PRIVY COUNCIL OFFICE to COLONIAL OFFICE.

(Received 9 August, 1911.)

Privy Council Office, Downing Street, London, S.W.,
9th August, 1911.

SIR, I AM desired by the Lord President to acknowledge the receipt of Sir Charles Lucas's letter of the 3rd instant,‡ enclosing a copy of a Bill recently introduced into the Parliament of New South Wales, entitled "The Criminal Appeal Act of 1911."

In reply, I am to say that the Lord President agrees with Mr. Secretary Harcourt that the section in question would not prevent His Majesty in Council granting special leave to appeal in any case in which it was thought advisable. I am to refer Mr. Harcourt to the case of *Cushing v. Dupuy* (5 Appeal Cases, p. 409), in which the law applicable to such a section in a Colonial Act of Parliament is laid down, and the previous authorities are reviewed.

I return the Bill herewith.

I am, &c.,
CHARLES NEISH,
Registrar of the Privy Council.

* See page 236 in [Cd. 5746-1].

† Not reprinted.

‡ No. 89.

26207

No. 91.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 686.)
(Australia. No. 362.)
(New South Wales. No. 113.)
(Victoria. No. 83.)
(Queensland. No. 76.)
(South Australia. No. 73.)

(Western Australia. No. 77.)
(Tasmania. No. 54.)
(Union of South Africa. No. 435.)
(New Zealand. No. 289.)
(Newfoundland. No. 192.)

[MY LORD] [SIR],

Downing Street, 17 August, 1911.

WITH reference to my despatch, No. [620] [321] [105] [73] [67] [67] [70] [47] [356] [257] [172], of the 28th of July,* I have the honour to transmit to [Your Excellency] [you], for the information of your Ministers, a copy of a Bill† which has been introduced into the House of Lords to make further provision with respect to the exercise by the House of Lords and the Privy Council of their appellate jurisdiction.

I have, &c.,
L. HARCOURT

32991

No. 92.

NEW SOUTH WALES.

THE ACTING GOVERNOR to THE SECRETARY OF STATE.

(Received 7.45 a.m., 12th October, 1911.)

TELEGRAM.

[Copy to Privy Council Office, October 19, 1911. L.F.]

[Answered by No. 93.]

Your despatch, 28th July, and your despatch, 17th August last,‡ with regard to establishment of single final Court of Appeal for Empire, Ministers ask that State Governments be consulted or afforded opportunity to express their views before the projected change is made. Despatch§ follows by mail.—CULLEN.

32991

No. 93.

NEW SOUTH WALES.

THE SECRETARY OF STATE to THE ACTING GOVERNOR.

(Sent 2.15 p.m., 16th October, 1911.)

TELEGRAM.

[Copy to Privy Council Office, October 19, 1911. L.F.]

[Answered by No. 95.]

Your telegram 12th October.|| His Majesty's Government propose to proceed with Appellate Jurisdiction Bill in coming session of Parliament, so that if your Ministers have any observations to offer I shall be glad to receive them by telegraph. But I should be glad if you would explain to Ministers that the only change proposed to be carried into effect by the Bill is to add two Lords of Appeal who will be available for service on the Judicial Committee, a step to which I presume your Government would offer no objection.—HARCOURT.

* No. 88.

† Enclosure in 26207: not printed.

‡ Nos. 88 and 91.

§ No. 94.

| No. 92.

35788

No. 94.

NEW SOUTH WALES.

THE LIEUTENANT-GOVERNOR to THE SECRETARY OF STATE.

(Received November 6, 1911.)

(No. 104.)

SIR, State Government House, Sydney, 4th October, 1911.
 REFERRING to your despatches, Nos. 105 and 113, dated 28th July, 1911, and 17th August, 1911,* respectively, upon the subject of the establishment of a single Final Court of Appeal for the Empire, I have the honour to transmit herewith, for your earnest consideration, copy of a minute which I have received from the Premier of this State, submitting that the State Governments be consulted, or afforded an opportunity of expressing their views, on this important proposal before the projected change is made.

I have, &c.,
 W. P. CULLEN,
 Lieutenant-Governor.

(Copy sent to Governor-General.)

Enclosure in No. 94.

MINUTE FOR HIS EXCELLENCY THE LIEUTENANT-GOVERNOR.

The Premier begs leave to refer to the contents of the Secretary of State's despatches, Nos. 105 and 113, dated 28th July, 1911, and 17th August, 1911, respectively, upon the subject of the establishment of a single Final Court of Appeal for the Empire.

In view of the fact that, under the provisions of the Commonwealth of Australia Constitution Act, the administration of justice is a matter very largely reserved to the States, and bearing in mind the circumstance that the States of the Commonwealth, *quâ* States, were not directly represented at the Imperial Conference, the Premier desires to urge that His Excellency the Lieutenant-Governor will see fit to submit representations to the Secretary of State in favour of the State Governments being consulted, or afforded an opportunity of expressing their views, on this important proposal before the projected change is made.

J. S. McGOWEN.

Premier's Office,
 Sydney, 3rd October, 1911.

39091

No. 95.

NEW SOUTH WALES.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 7.45 a.m., 5th December, 1911.)

TELEGRAM.

Your telegram, 16th October.† Ministers inform me that Government of New South Wales and Governments of remaining Australian States have no objection to offer to change proposed to be carried into effect by passing of Appellate Jurisdiction Bill.—CHELMSFORD.

* Nos. 88 and 91.

† No. 93.

40195

No. 96.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received December 16, 1911.)

[Answered by No. 99.]

(No. 630.)

SIR, Government House, Toronto, 2 December, 1911.
 WITH reference to your despatch, No. 857, of the 23rd November, 1910,* enclosing draft of an Order in Council applying certain Rules of Procedure to appeals by special leave from the High Court of the Commonwealth of Australia, and enquiring whether the Canadian Government would desire that an Order in Council in similar terms should be issued for the Dominion of Canada, I have the honour to transmit herewith, for your information, copies of an approved minute of the Privy Council for Canada setting forth the views of my responsible advisers.
 You will observe that my advisers were under the impression that the whole of this question would have to be reconsidered in view of the conclusions reached at the recent Imperial Conference, and that, under the circumstances, they can see no advantage at the present moment of attempting any revision of the rules under the existing procedure.

It is on account of this view that your despatch referred to above has not been dealt with until now.

I have, &c.,
 ARTHUR.

Enclosure in No. 96.

CERTIFIED copy of a Report of the Committee of the Privy Council, approved by His Royal Highness the Governor-General on the 25th November, 1911.

(P.C. 2651.)

The Committee of the Privy Council have had before them a report, dated 20th November, 1911, from the Secretary of State for External Affairs, to whom was referred a despatch, dated 23rd November, 1910, from the Right Honourable the Principal Secretary of State for the Colonies, forwarding draft Imperial Order in Council applying certain rules of procedure to appeals from the High Court of Justice of Australia, and enquiring whether the Canadian Government would desire that an Order in Council in similar terms should be issued for the Dominion of Canada.

The Minister states that Your Royal Highness's Advisers were under the impression that the whole of this question would have to be reconsidered in view of the conclusions reached at the recent Imperial Conference. They have in mind a despatch from the Right Honourable the Principal Secretary of State for the Colonies, dated 28th July, 1911, enclosing statement of proposals of His Majesty's Government on the subject of a final Court of Appeal for the Empire and the method of appeal thereto, and they can see no advantage at the present moment of attempting any revision of the rules under the existing procedure.

The Committee, on the recommendation of the Secretary of State for External Affairs, advise that Your Royal Highness may be pleased to inform the Right Honourable the Principal Secretary of State for the Colonies in the sense of this minute.

All which is respectfully submitted for approval.

RODOLPHE BOUDREAU,
 Clerk of the Privy Council.

40195

No. 97.

CANADA.

COLONIAL OFFICE to PRIVY COUNCIL OFFICE.

[Answered by Nos. 98 and 100.]

SIR,

Downing Street, 4 January, 1912.

WITH reference to previous correspondence, I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Lord President of the Council,

* No. 129 in Dominions No. 19.

the accompanying copy of a despatch* from the Governor-General of Canada on the subject of the Rules of Procedure in Appeals by special leave from the Supreme Court of the Dominion.

2. The Lord President will observe that the Canadian Government appear to have thought that the proposals in connection with the Imperial Court of Appeal which were drawn up as a result of the Imperial Conference and printed at page 236 of [Cd. 5746-1] would result in the reopening of the whole question. It does not appear to Mr. Harcourt that any change as regards the procedure in connection with appeals from Canada would result from the adoption of the proposals made at the Imperial Conference.

3. At the same time I am to enquire whether any steps have been taken to carry into effect the agreement arrived at at the Conference, that in future it should be open to members of the Judicial Committee who dissented from the judgment of the Committee to set out the grounds of their dissent.

I am, &c.,
H. W. JUST.

1207

No. 98.
CANADA.

PRIVY COUNCIL OFFICE to COLONIAL OFFICE.

(Received January 12, 1912.)

Privy Council Office, Downing Street,
London, S.W., 12th January, 1912.

SIR,

I AM desired by the Lord President to acknowledge the receipt of Sir Hartmann Just's letter of the 4th instant,† enclosing a copy of a despatch from the Governor-General of Canada on the subject of the Rules of Procedure in Appeals by special leave from the Supreme Court of the Dominion.

In reply, I am to say that the Lord President agrees with Mr. Secretary Harcourt in thinking that the adoption of the proposals made at the last Imperial Conference would not necessarily entail any change in the procedure in connection with appeals from Canada.

The draft Order in Council which the Canadian authorities have been asked to adopt is not intended to do more than provide what has been found, in the case of the other Dominions, to be a convenient machinery for bringing appeals which have been admitted rapidly and economically to a hearing; and it has already been accepted in the present form by the Governments of Australia and South Africa, whose Courts stand in the same position as the Supreme Court of Canada as regards the admission of appeals only by special leave.

I am, however, to say that the Lord President regards the question as one essentially for the Canadian authorities to determine for themselves; the draft is submitted solely for their convenience; and if they are of opinion that the existing procedure is adequate, there is no desire on the part of this Office to press the matter further.

With reference to the third paragraph of Sir Hartmann Just's letter, I am to say that the matter referred to is one upon which the Lord Chancellor must be consulted, and steps have already been taken to bring it to his attention. A further communication will be sent when his views have been ascertained.

I am, &c.,
CHARLES NEISH,
Registrar of the Privy Council.

1207

No. 99.
CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Answered by No. 102.]

(No. 56.)

SIR,

Downing Street, 24 January, 1912.

I HAVE the honour to acknowledge the receipt of your Royal Highness's despatch, No. 630, of the 2nd December,* forwarding a copy of a minute of the Privy Council for Canada on the subject of the Rules of Procedure in appeals by special leave from the Supreme Court of the Dominion.

* No. 96.

† No. 97.

2. It would appear that your Government have concluded that the proposals in connection with the Imperial Court of Appeal which were drawn up as a result of the Imperial Conference of 1911 would result in the reopening of the whole of the rules of procedure. Your Ministers presumably base this conclusion mainly on the seventh proposal, but I am advised by the Lord President of the Council, to whom your despatch and enclosure were referred, that the adoption of the proposals made at the last Conference would not necessarily entail any change in the procedure in connection with appeals from Canada, and that the amended rules which arose out of the Appeal Resolution of the Conference of 1907 may be considered without reference to the proposals.

3. The draft Order in Council which your Government have been asked to adopt is not intended to do more than provide what has been found, in the case of other self-governing Dominions, to be a convenient machinery for bringing appeals which have been admitted rapidly and economically to a hearing; and it has already been accepted in the present form by the Governments of the Commonwealth of Australia and the Union of South Africa, whose Courts stand in the same position as the Supreme Court of Canada as regards the admission of appeals only by special leave.

4. The question is, however, essentially one for decision by your Government, as the object of the draft Order in Council was to meet the convenience of the self-governing Dominions. If your Government is of the opinion that the existing procedure is adequate, there is no desire on the part of His Majesty's Government to press the matter further.

5. I shall be glad if you will communicate with your Ministers in the above sense.

I have, &c.,
L. HARCOURT.

4377

No. 100.

PRIVY COUNCIL OFFICE to COLONIAL OFFICE.

(Received 12 February, 1912.)

[Answered by No. 101.]

Privy Council Office, Downing Street, London, S.W.,
12th February, 1912.

SIR,

WITH further reference to Sir Hartmann Just's letter of the 4th January, 1912,* regarding the steps to be taken to carry into effect the agreement arrived at at the Conference of 1911, namely, that in future dissenting members of the Judicial Committee should be at liberty to set out the grounds of their dissent, I am desired by the Lord President to say that this matter has now been considered in conjunction with the Lord Chancellor, and that, while the Lord Chancellor, as he stated at the Conference, would still prefer the present practice to continue, both he and the Lord President agree with Mr. Secretary Harcourt in thinking that, in the events which have happened, the agreement must be proceeded with. The Lord President, however, suggests for Mr. Harcourt's consideration that the new procedure should be limited to the case of any *Dominion* asking for it, and that the form should be that any member of the Judicial Committee who heard the appeal should be at liberty to state that he differs from the conclusion and to make a brief and concise statement of his reasons.

It will be necessary, in the first instance, to obtain His Majesty's consent generally to the proposed alteration, and an Order in Council will be required repealing or modifying the Order in Council of the 4th February, 1878, a copy of which I enclose.

I am, &c.,
CHARLES NEISH,
Registrar of the Privy Council.

* No. 97.

Enclosure in No. 100.

At the Court at Osborne House, Isle of Wight,
The 4th day of February, 1878.

Present:

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

Whereas it is enacted by an Act of His late Majesty King William IV. (3 and 4 Wm. IV., cap. 41, sec. 3), entitled "An Act for the better Administration of Justice in His Majesty's Privy Council," that "appeals, causes, and matters referred by His Majesty to the Judicial Committee of the Privy Council, shall be heard by the said Judicial Committee, and a report or recommendation thereon, made to His Majesty in Council, for his decision thereon, as heretofore, in the same manner and form as has been heretofore the custom with respect to matters referred by His Majesty to his whole Privy Council, or a Committee thereof (the nature of such report or recommendation being always stated in open Court)":

And whereas it is further enacted, by the 5th section of the same Act, that "No report or recommendation shall be made to His Majesty unless a majority of the members of the Judicial Committee present at the hearing shall concur in such report or recommendation":

And whereas it is further enacted, by the 22nd section of the same Act, that "nothing in this Act contained shall impeach or abridge the power, jurisdiction, and authority of His Majesty's Privy Council, as heretofore exercised by such Council, or in anywise alter the constitution or duties of the said Privy Council, except so far as the same are expressly altered by the said Act":

And whereas it was and is ordered and provided in certain Orders to be observed in Assemblies of Council, passed in the reign of King Charles I., and bearing date at Whitehall, the 20th February, 1627, which Orders are entered and recorded in the Council Books, that "in voting of any cause the lowest Councillor in place is to begin to speak first, and so it is to be carried by most voices, because every Councillor hath equal vote there; and when the business is carried according to the most voices, no publication is afterwards to be made by any man how the particular voices and opinions went":

And whereas by the oath taken by every Privy Councillor it is provided that he shall keep secret all matters committed and revealed to him, or that shall be treated of secretly in Council:

Her Majesty, in pursuance of the aforesaid enactments and matters, is hereby pleased, by and with the advice of Her Privy Council, to declare and order that the ancient rule and practice of the Privy Council be strictly adhered to, respected, and observed, in all appeals, causes, or matters referred by Her Majesty to the Judicial Committee of the Privy Council, or to any other Committee or Assembly of the Privy Council, and that no disclosure be made touching the matters treated of in Council, and no publication made by any man how the particular voices and opinions went.

Whereof the members and officers of Her Majesty's Most Honourable Privy Council, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

C. L. PEEL.

4377

No. 101.

COLONIAL OFFICE to PRIVY COUNCIL OFFICE.

[Answered by No. 101A.]

SIR,

Downing Street, 17 February, 1912.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 12th of February,* stating the arrangement proposed to be made in pursuance of the discussion at the Imperial Conference of 1911 with regard to the expression of grounds of dissent by members of the Judicial Committee of the Privy Council.

2. The arrangements suggested in this letter are in strict accordance with the summary of proposals published on page 236 of [Cd. 5746 (1)]. Mr. Harcourt

* No. 100.

concurs in these arrangements and assumes that the necessary submission to His Majesty will now be made by the Lord President or the Lord Chancellor.

I am, &c.,

HENRY LAMBERT,
for the Under-Secretary of State.

7198

No. 101A.

PRIVY COUNCIL OFFICE to COLONIAL OFFICE.

(Received March 8, 1912.)

[Answered by No. 102A.]

Privy Council Office, London, S.W.,

7th March, 1912.

SIR,

REFERRING to your letter of the 17th ultimo (No. 4377/1912),* addressed to the Registrar of the Privy Council, I am directed by the Lord President of the Council to transmit to you the accompanying draft of an Order in Council which has been prepared in this Department for the purpose of giving effect to the arrangement arrived at at the Imperial Conference of 1911 in regard to the publication of dissentient opinions by members of the Judicial Committee of the Privy Council, and to request that you will be so good as to move Mr. Secretary Harcourt to favour Lord Morley with any observations he may have to make thereon.

I am to add that Lord Morley proposes to submit the draft Order in Council in due course to the Lord Chancellor and to the Law Officers of the Crown.

I am, &c.,

ALMERIC FITZROY.

Enclosure in No. 101A.

Whereas by an Order of Her Majesty Queen Victoria in Council dated the 4th day of February 1878, after reciting (amongst other things) the provisions of the 3rd Section of an Act of His late Majesty King William IV (known as the Judicial Committee Act 1833) concerning the manner and form of the report or recommendation to be made by the Judicial Committee of the Privy Council to His Majesty in Council touching any Appeals Causes and Matters referred by His Majesty to the said Judicial Committee by virtue of the said Act, and the provisions of the 5th section of the said Act directing no such report or recommendation to be made to His Majesty unless a majority of the members of the Judicial Committee present at the hearing should concur therein, and the provisions of certain Orders to be observed in Assemblies of Council passed in the reign of King Charles the First bearing date at Whitehall the 20th day of February 1627, directing (amongst other things) that when the business at a Council is carried according to the most voices "no publication is afterwards to be made by any man how the particular voices and opinions went": It was declared and ordered that the ancient rule and practice of the Privy Council be strictly adhered to respected and observed in all Appeals Causes or Matters referred by Her Majesty to the Judicial Committee or to any other Committee or Assembly of the Privy Council and that no disclosure be made touching the matters treated of in Council, and no publication made by any man how the particular voices and opinions went:

And whereas it is expedient to alter the said rule and practice of the Privy Council in the manner and subject to the restrictions hereinafter defined:

Now therefore His Majesty is pleased, by and with the advice of His Privy Council, to declare and order and it is hereby declared and ordered that, where the Government of any of His Majesty's Dominions shall have intimated to the Lord President of the Council through His Majesty's Secretary of State for the Colonies a desire that in the case of any Appeal Cause or Matter from such Dominion to His Majesty in Council the provisions of this Order shall take effect, any Member of the Judicial Committee of the Privy Council present at the hearing of an Appeal Cause or Matter from such Dominion who shall dissent from the opinion of the majority of the members present as to the nature of the report or recommendation to be made to His Majesty thereon shall be at liberty, if he wishes to do so, notwithstanding anything in the said Order of the 20th day of February, 1627, or in the said Order in Council of the 4th day of February, 1878, contained to publish his dissent in open Court and to make a brief and concise statement of his reasons for such dissent.

* No. 101.

No. 102.
CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.
(Received March 18, 1912.)

[Copy to Privy Council Office, 12 April, 1912. L.F. See No. 103.]

(No. 102.)

SIR, Government House, Ottawa, 4 March, 1912.
WITH reference to your despatch, No. 56 of the 24th January,* on the subject of the rules of procedure in Appeals by special leave from the Supreme Court of Canada, I have the honour to transmit herewith, for your information, copies of an approved Minute of the Privy Council for Canada, setting forth the views of my responsible advisers.

I have, &c.,
ARTHUR.

Enclosure in No. 102.

CERTIFIED COPY of a Report of the Committee of the Privy Council, approved by His Royal Highness the Governor-General on the 29th February, 1912.
(P.C. 484.)

The Committee of the Privy Council have had before them a report, dated 15th February, 1912, from the Secretary of State for External Affairs, to whom was referred a despatch, dated 24th January, 1912, from the Right Honourable the Principal Secretary of State for the Colonies, in regard to the assimilation of the procedure in appeals by special leave from the Supreme Court of Canada to that which it was proposed to apply to appeals from the High Court of Australia and the Supreme Court of South Africa, in accordance with the terms of the draft Order in Council enclosed in Mr. Harcourt's despatch, No. 857 of the 23rd November, 1910.

The Minister observes that it was the intention of Your Royal Highness's advisers, in stating in the Minute of Council of the 25th November, 1911, that they saw no advantage at that moment of attempting any revision of the rules under the existing procedure, to intimate their opinion that, apart from the question of the results which might arise out of the conclusions reached at the recent Imperial Conference, it was not expedient to adopt rules similar to those made in the case of Australia, by the issue of an Order in Council such as that relating to the Commonwealth, the main object of that Order apparently being to promote uniformity in certain details, in which alone there does not seem to be, in the opinion of Your Royal Highness's advisers, any particular advantage to Canada.

The Committee, on the recommendation of the Secretary of State for External Affairs, advise that Your Royal Highness may be pleased to inform the Right Honourable the Principal Secretary of State for the Colonies in the sense of this Minute.

All which is respectfully submitted for approval.

RODOLPHE BOUDREAU,
Clerk of the Privy Council.

7198

No. 102A.

COLONIAL OFFICE to PRIVY COUNCIL OFFICE.

[Answered by No. 103A.]

SIR, Downing Street, 4 April, 1912.
I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 7th of March,† transmitting a draft Order in Council to give effect to the arrangement approved at the Imperial Conference, 1911, with regard to the publication of dissentient opinions in Dominion cases by members of the Judicial Committee of the Privy Council.

2. The draft Order in Council carries out the interpretation of the Conference arrangement contained in the letter of the Registrar of the Privy Council dated the 12th of February,‡ and concurred in by the letter from this Department of the 17th of February.§ On further consideration, however, Mr. Harcourt would observe that the eighth paragraph of the summary published on page 236 of [Cd. 5746 (1)], which must be accepted as the governing document, might more

* No. 99.

† No. 101A.

‡ No. 100.

§ No. 101.

properly be construed as meaning that, subject to the assent of His Majesty, liberty to publish dissentient judgments in Dominion cases generally should be given by Order in Council, without the necessity for a special request from the Government of any Dominion for the bringing of the arrangement into force in respect of some or all cases from that Dominion.

3. In these circumstances, Mr. Harcourt considers that it will be desirable to omit from the operative part of the draft Order in Council the words "where the Government . . . shall take effect," and, subject to the concurrence of the Lord President, he would suggest that the following words might run as follows: "any member of the Judicial Committee of the Privy Council present at the hearing of an appeal case or matter from the Courts of any self-governing Dominion or State or Province who shall dissent from the opinion of the majority of the members present as to the nature of the report or recommendation to be made to His Majesty thereon shall be at liberty to publish his dissent in open Court and to make a brief and concise statement of the reasons for such dissent." If the Lord President concurs in the above views, Mr. Harcourt would propose to telegraph to the Governments of the self-governing Dominions represented at the Conference and of the Australian States in the terms of the enclosed draft, as it appears desirable that they should clearly understand and concur in the arrangement proposed to be made by His Majesty's Government.

I am, &c.,
HENRY LAMBERT,
for the Under-Secretary of State.

Enclosure in No. 102A.

DRAFT TELEGRAM TO THE SELF-GOVERNING DOMINIONS.

Referring to my despatch 28th July. In pursuance of eighth paragraph of summary of proposals as to appeals arising out of Imperial Conference, 1911, His Majesty's Government propose to submit to His Majesty Order in Council of which operative part is as follows:—

"Any member of the Judicial Committee of the Privy Council present at the hearing of an appeal case or matter from the Courts of any self-governing Dominion or State or Province who shall dissent from the opinion of the majority of the members present as to the nature of the report or recommendation to be made to His Majesty thereon, shall be at liberty to publish his dissent in open Court and to make a brief and concise statement of the reasons for such dissent."

Should be glad to know whether your Ministers concur in this proposal.

12031

No. 103.
CANADA.

PRIVY COUNCIL OFFICE to COLONIAL OFFICE.

(Received April 19, 1912.)

Privy Council Office, Downing Street, London, S.W.,

19th April, 1912.

SIR, I AM desired by the Lord President of the Council to acknowledge the receipt of Sir John Anderson's communication of the 12th instant,* enclosing correspondence relating to rules of procedure in appeals by special leave from the Supreme Court of Canada.

In reply, I am to state, for Mr. Secretary Harcourt's information, that the Lord President is of opinion that, having regard to the terms of the report of the Committee of the Privy Council (Canada) of the 29th February, 1912,† it would be inexpedient to press for the adoption of the proposed rules.

I am to add that, while his Lordship is still of opinion that it is advisable that these rules, which have worked well in the case of other parts of the Empire, should be generally adopted, no difficulty arises in the prosecution of Canadian appeals under the existing procedure.

I am, &c.,
CHARLES NEISH,
Registrar of the Privy Council.

* L.F. transmitting copy of No. 102.

† Enclosure in No. 102.

20200

No. 103A.

PRIVY COUNCIL OFFICE to COLONIAL OFFICE.

(Received 1 July, 1912.)

[Answered, July 4, by 20200 in Dominions No. 45.]

SIR,

London, S.W., 29th June, 1912.

REFERRING to your letter of the 4th April last (No. 7198/1912),* and enclosures, I am directed by the Lord President of the Council to transmit to you, to be laid before Mr. Secretary Harcourt, the accompanying draft of the proposed Order in Council respecting the publication of dissentient opinions by members of the Judicial Committee of the Privy Council, in the form in which it has been approved by the Law Officers of the Crown and by the late Lord Chancellor.

It will be observed that the form of the operative part of the Order now sent agrees (subject to the word "case" being changed to "cause") with the form which Mr. Harcourt proposes to telegraph to the Governments of the self-governing Dominions represented at the Imperial Conference, 1911, and of the Australian States.

I am to add that Lord Morley will be glad if Mr. Harcourt will inform him, in due course, when the draft Order may be submitted to the King in Council for approval.

I am, &c.,

ALMERIC FITZROY.

Enclosure in No. 103A.

At the Court at

1912.

the day of

PRESENT:

The King's Most Excellent Majesty in Council.

Whereas by an Order of Her Majesty Queen Victoria in Council dated the 4th day of February, 1878, after reciting (amongst other things) the provisions of the 3rd Section of an Act of His late Majesty King William IV. (known as the Judicial Committee Act, 1833) concerning the manner and form of the report or recommendation to be made by the Judicial Committee of the Privy Council to His Majesty in Council touching any Appeals Causes and Matters referred by His Majesty to the said Judicial Committee by virtue of the said Act, and the provisions of the 5th Section of the said Act directing no such report or recommendation to be made to His Majesty unless a majority of the members of the Judicial Committee present at the meeting should concur therein, and the provisions of certain Orders to be observed in Assemblies of Council passed in the reign of King Charles the First bearing date at Whitehall the 20th day of February, 1627, directing (amongst other things) that when the business at a Council is carried according to the most voices, "no publication is afterwards to be made by any man how the particular voices and opinions went," it was declared and ordered that the ancient rule and practice of the Privy Council be strictly adhered to, respected and observed in all appeals Causes or Matters referred by Her Majesty to the Judicial Committee or to any other Committee or Assembly of the Privy Council, and that no disclosure be made touching the matters treated of in Council and no publication made by any man how the particular voices and opinions went:

And whereas it is expedient to alter the said rule and practice of the Privy Council in the manner hereinafter defined:

Now, therefore, His Majesty is pleased, by and with the advice of His Privy Council, to declare and order and it is hereby declared and ordered that any member of the Judicial Committee of the Privy Council present at the hearing of an Appeal Cause or Matter from the Courts of any self-governing Dominion or State or Province who shall dissent from the opinion of the majority of the members present as to the nature of the report or recommendation to be made to His Majesty thereon shall be at liberty to publish his dissent in open Court and to make a brief and concise statement of the reasons for such dissent.

* No. 102A.

10.

(RESOLUTION X.): NATURALIZATION.

16255

No. 104.

INDIA OFFICE to COLONIAL OFFICE.

(Received 17 May, 1911.)

[Copy to Home Office and Foreign Office, 19 May, 1911. L.F.]

[Answered by No. 107.]

SIR,

India Office, Whitehall, London, S.W., 17th May, 1911.

WITH reference to previous correspondence ending with Mr. Just's letters dated 2nd February, No. 2359/1911, and 2nd March, No. 5141/1911,* on the subject of Imperial Naturalization, I am directed by the Secretary of State for India in Council to enclose, for the information of Mr. Secretary Harcourt, a copy of telegraphic correspondence with the Government of India.

It will be seen that there is no objection on the part of the Government of India to the suggestion made in the letter from the Colonial Office to the Home Office, dated 2nd February last,† that the residence qualification for naturalization should be reduced, with a view to meeting the views of the self-governing Dominions and securing uniformity for the purpose of the draft Naturalization Bill.

I have, &c.,

ED. S. MONTAGU.

Enclosure 1 in No. 104.

FROM SECRETARY OF STATE to VICEROY, Home Department, 21st March, 1911.

My Judicial Secretary's letter of 17th February. I should be glad to know your views regarding suggestion contained in Colonial Office letter, dated 2nd February, for reduction of period of residence qualifying for naturalization.

Enclosure 2 in No. 104.

FROM VICEROY, 1st May, 1911.

Foreign. Your telegram of 21st March. No residence qualification exists in Indian Act(s) providing for naturalization of aliens. Government of India, however, would be prepared to accept any term which may be accepted for the purpose of proposed compromise.

23070

No. 105.

HOME OFFICE to COLONIAL OFFICE.

(Received 14 July, 1911.)

[Answered by No. 108.]

SIR,

Home Office, Whitehall, 13th July, 1911.

I AM directed by Mr. Secretary Churchill to enclose herewith a draft† (CCXXIV. (3)) of the Naturalization Bill, as amended with the view of carrying out the conclusions reached at the Imperial Conference, and to say that he will be glad to learn that the draft meets the views of Mr. Harcourt, or to have any observations he may be good enough to make thereon.

The Foreign and India Offices are being consulted on the draft Bill, and when their views have been received Mr. Churchill will communicate further with you.

I am, &c.,

W. P. BYRNE.

* Nos. 295 and 302 in Dominions No. 19.

† No. 294 in Dominions No. 19.

‡ Printed at p. 253 of [Cd. 5746-1], July, 1911.

No. 106.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

[Answered by Nos. 110, 112, 113, and 114.]

(Canada. No. 572.)

(New Zealand. No. 229.)

(Australia. No. 290.)

(Newfoundland. No. 154.)

(Union of South Africa. No. 322.)

[My LORD,] [SIR,]

Downing Street, 14 July, 1911.

With reference to

[my despatch, No. 218, of the 31st March]

[my despatch, No. 159, of the 31st March]

[my despatch, No. 153, of the 31st March]

[your despatch, No. 21, of the 17th February]

[my despatch, No. 79, of the 31st March]*

I have the honour to request that [Your Excellency] [you] will inform your Ministers that the subject of naturalization was fully discussed at the Imperial Conference. A full account of the discussion will be found in the Minutes of the Proceedings of the Conference, copies of which will be sent to you shortly.

2. It was agreed at the Conference that the Imperial "British Nationality and Status of Aliens Bill" should be re-drafted, in order to carry out the proposals which were agreed upon at the Conference. The Bill was re-drafted accordingly and was circulated to the members of the Conference, and I have now to enclose for the consideration of your Ministers the accompanying copies of the proposed Bill.†

3. I desire to invite special attention to Sections 3 and 8 of the Bill, and would be glad if you will explain to the Ministers who attended the Conference that it is regretted that in the copies of the Bill which were sent to them in England these sections appear in an incorrect form.

4. I should be glad to learn, at the earliest possible date, whether your Ministers agree in the Bill as now drafted, or whether there are any alterations which they desire to be made. It would be convenient if such alterations could, if possible, be notified by telegraph.

I have, &c.,
L. HARCOURT.

21599

No. 107.

COLONIAL OFFICE to FOREIGN OFFICE, INDIA OFFICE, AND HOME OFFICE.

[Answered by No. 109.]

SIR,

Downing Street, 15 July, 1911.

With reference to [the letter from this Office of the 19th May†] [your letter of the 17th May§] [recent semi-official correspondence], I am directed by Mr. Secretary Harcourt to transmit to you, for the information of [Secretary Sir Edward Grey] [the Earl of Crewe] [Mr. Secretary Churchill], copies of despatches which have been sent to the Governors-General and Governors of the self-governing Dominions on the subject of the Naturalization Bill.

I am, &c.,
H. W. JUST.

23070

No. 108.

COLONIAL OFFICE to HOME OFFICE.

SIR,

Downing Street, 20 July, 1911.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 13th instant,* forwarding for his observations a copy of the draft Naturalization Bill as amended with a view to carrying out the conclusions reached at the Imperial Conference.

* Nos. 301, 301, 303, 304, 304 in Dominions No. 19. † Printed at p. 253 of [Cd. 5746-1], July, 1911.
‡ L.F. transmitting copy of No. 104. § No. 104. ¶ No. 106. ¶ No. 105.

I am to refer you, in reply, to the letter from this Department of the 15th instant* and to state that Mr. Harcourt has no observations to offer pending the receipt of the views of the Governments of the self-governing Dominions upon the draft Bill.

I am, &c.,
H. W. JUST.

25744

No. 109.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 7 August, 1911.)

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copies of the following papers:—Home Office, July 13: To Home Office, August 4: ("British Nationality and Status of Aliens Bill").

Reference to previous letter: Colonial Office, July 15 (21599/1911).*

Foreign Office,

August 5, 1911.

Enclosure 1 in No. 109.

SIR,

Home Office, Whitehall, 13 July, 1911.

I AM directed by Mr. Secretary Churchill to enclose herewith a draft (CCXXIV (3)) of a Bill† entitled "British Nationality and Status of Aliens Bill." This draft reproduces in an amended form the draft Bill which was founded on the Report of the Departmental Committee appointed in 1899, and has formed the subject of discussion with the Dominions and otherwise during the last few years.

The Bill was discussed at the recent Imperial Conference and certain conclusions were reached, which are shown in the enclosed précis of the proceedings.‡ The present draft embodies amendments to give effect to those conclusions, and the opportunity has been taken to rearrange the clauses of the older draft. The draft includes also the clause as to persons born in foreign places where the King exercises jurisdiction, which forms the subject of previous correspondence between the Departments.

Mr. Churchill will be glad to learn that the Bill meets the views of Sir Edward Grey, or to have any observations which he may be good enough to make thereon.

The Colonial Office and the India Office are also being consulted on the Bill.

I am, &c.,
W. P. BYRNE.

The Under-Secretary of State,
Foreign Office.

Enclosure 2 in No. 109.

SIR,

Foreign Office, 4 August, 1911.

I AM directed by Secretary Sir Edward Grey to acknowledge the receipt of your letter of the 13th ultimo, in which you enclose a revised draft of the "British Nationality and Status of Aliens Bill," which has been sent by the Secretary of State for the Colonies to the Governors-General and Governors of the self-governing Dominions, and in which you invite any observations which this Department has to offer upon it.

Sir Edward Grey is reluctant, at this stage, to criticise in any great detail a measure which seems, in the main, to carry out the recommendations of the inter-departmental Committee appointed in 1899 to consider and advise upon the legislation necessary for amending the existing Acts, but there are certain important points which, in view of the daily experience of this Department in dealing with applications for protection in foreign countries, call for comment.

It is especially desirable that any statutory enactment which affects the national status of individuals should, as far as possible, be operative only from the date of the

* No. 107.

† Printed at p. 253 of [Cd. 5746-1].

‡ See [Cd. 5741], June, 1911.

passing of the Act. Any provision which operates, or may be deemed to operate, retrospectively not infrequently leads to hardships and confusion; more than one instance of such hardships, arising from the language of Section 6 of the Naturalization Act, 1870, is within the knowledge of your Department.

Clause 1 (b) of the Bill enclosed in your letter, read in conjunction with the second paragraph of Clause 25, would, if strictly interpreted, imply that the children of naturalized British subjects, whether naturalized under the Act of 1844 or that of 1870, are made retrospectively into British subjects. This could hardly be seriously contemplated, and it seems desirable to insert in the Bill some language which will make it quite clear that the provision only applies to such children born abroad after the date of the passing of the Act.

Again, it cannot be intended to deprive the second generation of British subjects born abroad of the British status they have already acquired by virtue of 13 George III. c. 21.

This statute is to cease to have effect by the terms of Clause 1 (3) of the Bill, and is also specifically repealed in the Third Schedule of the Bill.

These provisions, read in conjunction, might be held to take the case out of Section 38 of the Interpretation Act, 1889 (52 and 53 Vic. c. 63) and give the provision a retroactive effect. It should, in Sir E. Grey's opinion, be made quite clear that the Act only operates in depriving persons of British status who are born abroad of the second generation after the date of its passing, as it is undesirable that there should be any possible ambiguity on the point.

The only remaining observation that Sir E. Grey has to make is with regard to Clause 11 (2) of the Bill.

Under this clause, the son, under age, of a British subject who becomes voluntarily naturalized in a foreign State loses his British nationality whether he resides with his father or not, and might well be even unaware of the effect on his legal status of the action taken by his father; and even should it be brought to his knowledge it would—if he wished to retain his British status—involve the necessity of naturalization and the consequent expense attaching thereto. This provision may in certain cases entail a real hardship upon the son, and especially in the case where the law of the foreign country concerned—Russia is a case in point—does not include the son in the father's naturalization. The son, in the case contemplated, would thus be left without any national status at all. Sir Edward Grey is aware that this provision of the Bill gives effect to the recommendations embodied in paragraph 58 of the Report of the Committee appointed in 1889, but notwithstanding its imperfection, he cannot refrain from expressing the opinion that the provisions of Section 10 (3) of the Naturalization Act of 1870 are in many respects preferable to the new provision. At any rate he is disposed to think that some language should be introduced into the Bill which would make the provision contingent on the son as well as the father acquiring a foreign national status, when he is deprived, very possibly against his own wish, of his status as a natural born British subject.

The question might be considered of inserting a sub-clause under Clause 18, empowering the Secretary of State to define what constitutes service under the Crown within the meaning of (a) of Clause 2 (1).

The Under-Secretary of State,
Home Office.

I am, &c.,
W. LANGLEY.

35510

No. 110.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6 p.m., November 2, 1911.)

TELEGRAM.

[Copy to India Office, Home Office, and Foreign Office, November 7, 1911. L.F.]

November 2nd. Your despatch 14th July, 322,* Naturalization Bill. Ministers state that objections raised by Government of Union of South Africa in this matter are fairly met by the new draft and they have no alterations to propose.—GLADSTONE.

* No. 106.

37943

No. 111.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received November 25, 1911.)

(No. 841.)

SIR,

Governor-General's Office, Pretoria, 2 November, 1911.

I HAVE the honour to transmit to you herewith, with reference to my telegram of the 2nd November,* a copy of a minute from Ministers, dated 1st November, 1911, on the subject of the draft Imperial "British Nationality and Status of Aliens Bill."

I have, &c.,

GLADSTONE,

Governor-General.

Enclosure in No. 111.

(Minute 1289.)

Ministers have the honour to acknowledge the receipt of the Minute of His Excellency the Governor-General, No. 16/12, dated the 8th August, 1911, forwarding copy of a despatch, No. 322, dated the 14th July, 1911, from the Right Honourable the Secretary of State for the Colonies, on the subject of the draft Imperial "British Nationality and Status of Aliens Bill."

Ministers have the honour to state that the objections which were raised by this Government in the matter are fairly met by the new draft Bill now submitted, and that they have no alterations to propose.

J. W. SAUER.

2753

No. 112.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 9 p.m., 26th January, 1912.)

TELEGRAM.

[Copy to Foreign Office, India Office, and Home Office, January 29, 1912. L.F.]

Your telegram, 24th January.† My Ministers no objection to offer to Imperial Naturalization Bill with amendments as draft of Bill now stands.—WILLIAMS.

3931

No. 113.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 10.42 a.m., 7th February, 1912.)

TELEGRAM.

Your despatch of 18th November, No. 387.† British Nationality Bill. My Government accepts principles of Bill but suggests that drafting requires revision. My Government not clear how far Bill applicable outside United Kingdom, for example, Clauses 1, 9, 10, 11, 16, 17, 22. It is suggested, for your consideration, that express provision should be made that Bill applies throughout Empire. For example, in Clause 9 does British subject include persons with local Colonial naturalization only? Under Clause 7, who exercises powers given Colonial Government? Has Colonial Legislature power to legislate on this? Can adoption Section 7 be repealed? Do regulations under Clause 18 apply to Colonial Certificates of Imperial Naturalization? Have Colonial Legislature power to legislate on matter in that Clause?—ISLINGTON.

* No. 110.

† 35510: not printed: a reminder of No. 106.

No. 114.
CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.5 p.m., 13th February, 1912.)

TELEGRAM.

[Copy to Home Office, 17 February, 1912. L.F.]

Your telegram 24th January,* Imperial Naturalization Bill. My Ministers report that they have had draft of Bill under consideration for some time past, but required further time. Observations of Government of Canada will be communicated to you at earliest possible moment.—ARTHUR.

3931

No. 115.

COLONIAL OFFICE to HOME OFFICE.

[Copy to India Office and Foreign Office, February 27, 1912.]

[Answered by No. 116.]

SIR, Downing Street, 27 February, 1912.
WITH reference to the letter from this Office of the 29th January,† I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before Mr. Secretary McKenna, the accompanying copy of a telegram‡ from the Governor of New Zealand on the subject of the draft British Nationality and Status of Aliens Bill.

2. Mr. Harcourt concurs in the view expressed by the Government of New Zealand that it should be made quite clear how far each of the clauses of the Bill extends to the whole of the Empire, and he has no doubt that Mr. McKenna will agree that it is most desirable that the possibility of conflict of opinion on this subject should be avoided.

3. Of the clauses specially mentioned in Lord Islington's telegram, Nos. 1 and 22 obviously apply throughout the Empire, while Nos. 16 and 17, as indicated by Clause 8 (1) and by the cross heading above Clause 16, are meant only to apply to the United Kingdom. It might, however, be well if the application of each of these clauses were made clear in the text. As regards Clauses 9-11, Mr. McKenna may be interested by a perusal of the enclosed copy of a correspondence which has recently taken place with the Swiss Minister with reference to the position of the wife and children of a Swiss subject naturalized in Australia. It appears to Mr. Harcourt that, as the Bill is drafted, the application of Clauses 9-10 extends to all natural-born British subjects, to British subjects holding Imperial certificates of naturalization, and to British subjects by virtue of Colonial certificates under Clause 8 (2) of the Bill while within the limits of the Colony in which the certificate has been granted. On this interpretation the wife of a British subject who holds a Colonial certificate only is a British subject while he remains in the Colony in which he has been naturalized, but when he is outside the limits of the Colony he himself is an alien and his wife becomes an alien, whether she remains behind in the Colony or goes with him, and similarly under Clause 11 (2) the minor children of such a subject cease to be British subjects when their father leaves the Colony.

4. The application of Clause 11 as far as sub-clauses (1), (4), and (5) are concerned appears clearly to be confined from the wording only to cases where certificates of Imperial naturalization are granted, whether by the Secretary of State or by the Government of a Dominion which adopts Section 7. In sub-clauses (2) and (3), on the other hand, the meaning of British subject is presumably the same as in Clauses 9 and 10, but in view of the great doubt that exists as to the application of these sections Mr. Harcourt would suggest that the exact application of all these clauses should be set out in express terms, and that it should be made clear that they do not apply to persons locally naturalized under a Colonial statute.

5. I am also to observe that under Clause 10 a woman, being a natural-born British subject, who has become an alien by reason of her marriage will no longer

* 35510; not printed: a reminder of No. 106. † L.F. transmitting copy of No. 112. ‡ No. 113.

have the power on becoming a widow to obtain a certificate of readmission to British nationality, and there is no clause in the Bill equivalent to Section 8 of the Act of 1870.

6. With regard to the authority by which the power given by Clause 7 is to be exercised, I am to suggest, in view of the fact that the term "Government of a British Possession" has no definite meaning in law, that a precise definition of "Government of a British Possession" should be inserted in the Bill. It might be sufficient for the purpose of the Bill to define the Government of any British Possession to mean the Governor of a Possession or, in the case of the Dominions referred to in the 1st schedule, such other authority as may be designated by the Legislature of the Possession. Such a definition will render it unnecessary to legislate in the Crown Colonies, and it would enable the Dominion legislatures to confer the power upon such authority as seems to them desirable.

7. It will be observed that the New Zealand Government enquire as to the authority of a Dominion Legislature to repeal the adoption of Clause 7 of the Bill. Mr. Harcourt understands that the exact wording of Clause 7 in its present form was adopted on the view that it was undesirable to give express power to withdraw, since the Imperial Conference had accepted the general principles embodied in the Bill. Since, however, the Government of New Zealand have raised the question of the power of withdrawal it appears to Mr. Harcourt that it is now necessary that the clause should be amended so as to give the power of withdrawal as well as the power of adoption, though he does not apprehend that it is likely that any Dominion will desire to cancel the adoption, once made.

8. With regard to the enquiry as to the application of regulations under Clause 18, Mr. Harcourt is of opinion that the powers given by that clause apply to all matters except those specifically referred to in Clause 7 of the Bill, which confers on the Government of a Possession power to issue regulations as to the grant and revocation of a certificate of naturalization. I am, however, to point out that under Clause 18 (2) such regulations shall not have effect in a British Possession if any Act inconsistent with such regulations is for the time being in force, and therefore the power of the Dominion Parliaments seems already to be sufficiently safeguarded. In this connection I am to refer to paragraph 6 of Lord Chelmsford's despatch of the 24th December, 1909, and to paragraph 5 of Lord Crewe's reply of the 3rd June, 1910 (see pages 154 and 157 of [Cd. 5273]).

9. Mr. Harcourt will be glad to receive an early intimation of Mr. McKenna's views on the questions raised in this letter, copies of which are being sent to the India Office and Foreign Office.

I am, &c.,
H. W. JUST.

Enclosure 1 in No. 115.

(37994.)

3, Portland Place, Londres,

le 20 Novembre, 1911

MONSIEUR LE SECRÉTAIRE D'ÉTAT,

POUR permettre au Tribunal fédéral suisse de statuer sur une demande de répudiation de la nationalité suisse formulée par le nommé Julius Stäuble, originaire de Horgen, Canton de Zurich, résidant actuellement à Hambourg, il importerait à mon Gouvernement d'obtenir une réponse aux questions suivantes:—

- (1) Une naturalisation du genre de celle constatée par l'acte dont une copie accompagne la présente a-t-elle pour conséquence de conférer définitivement au titulaire le droit de cité australien, éventuellement britannique, ou bien ne s'agit-il dans l'espèce que d'une naturalisation à titre précaire ("denization"), dont les effets cessent de se produire en cas d'émigration du titulaire hors du territoire australien?
- (2) La présente naturalisation étend-elle, sans autre, ses effets à la femme et aux enfants mineurs du naturalisé, même lorsque ces enfants sont restés en Suisse? Eventuellement, cette extension est-elle possible même contre le gré du père? Cette question se pose parce que Stäuble n'a manifesté l'intention de répudier la nationalité suisse que pour lui-même.

A l'occasion d'un cas analogue dont le Tribunal fédéral eut à s'occuper en 1887, un avocat de Melbourne avait déclaré que la naturalisation du père ne s'étendait qu'aux enfants nés postérieurement à

cette naturalisation. La pièce ci-jointe mentionnant une loi de 1903 ("Naturalization Act, 1903"), mon Gouvernement se demande

(3) si la restriction visée ci-dessus subsiste dans l'état actuel de la législation australienne.

Dans ces circonstances, j'ai, sur l'ordre du Conseil fédéral, l'honneur de faire appel aux extrêmes bons offices de Votre Excellence aux fins d'être éclairé sur les trois points énumérés ci-dessus.

En remerciant dès à présent Votre Excellence du très obligeant concours qu'elle voudra bien consentir à me prêter en cette matière, je vous prie, &c.

CARLIN.

Son Excellence

Sir Edward Grey, Bart., M.P.,
&c., &c., &c.

(40630)

Enclosure 2 in No. 115.

SIR,

Foreign Office, December 18th, 1911.

I REFERRED to His Majesty's Secretary of State for the Colonies your note of the 20th ultimo, respecting the case of Julius Stauble, who was naturalized as a British subject in the Commonwealth of Australia.

I have now the honour to inform you that the case as regards Mr. Stauble's children appears to be governed by Section 10 of the Commonwealth Act, No. 11, of 1903, of which a copy is enclosed. Under that section, an infant, not being a natural-born British subject, whose father has obtained a certificate of naturalization, and who has at any time resided in Australia with his father, shall in the Commonwealth be deemed to be naturalized. If the child has not complied with this condition it cannot be deemed to have been naturalized in the Commonwealth. No distinction is drawn between children born before, and children born after, the naturalization.

As regards Mr. Stauble's wife, the Commonwealth Act contains no provision expressly dealing with the case of the wife of a person who, while married to her, is naturalized in the Commonwealth, but her nationality would be that of her husband if the principle embodied in Section 10 (1) of the Imperial Naturalization Act, 1870, were held to apply. On this point, however, His Majesty's Government are not in a position to give an authoritative opinion. It will be observed that Section 9 of the Commonwealth Act provides only for the case where an alien woman marries a man who is already a "British subject" as defined in Section 3.

I have the honour to add that, whatever may be the law as regards the wife, its operation, both in her case and in that of the children, would be automatic, and would not be dependent on the wish of the husband or father.

The original enclosure in your note is returned herewith.

I have, &c.,

L. MALLET
(for the Secretary of State).

Monsieur Carlin,
&c., &c., &c.

7286

No. 116.

HOME OFFICE to COLONIAL OFFICE.

(Received March 9, 1912.)

[Answered by No. 118.]

SIR,

Home Office, Whitehall, 8th March, 1912.

I AM directed by Mr. Secretary McKenna to say that he has had under consideration your letter of the 27th February (3931/12)* on the subject of the draft "British Nationality and Status of Aliens Bill" and desires to make the following observations on the points raised therein. Prior to the receipt of your letter the Bill had been revised in certain respects, and this letter will deal with the points

* No. 115.

by reference to the revised draft XXXVII. (2),* of which three copies are enclosed herewith.

Mr. McKenna concurs in the view that it is desirable that the extent of the various provisions of the Bill should be made as clear as possible, but he doubts whether it is desirable to insert any express provision that the Bill or any particular part thereof applies throughout the Empire, inasmuch as it is intended that many of the provisions of the Bill should not only extend throughout the Empire but should be of world-wide application. He is disposed to think that the express limitation of some of the provisions of the Bill to the United Kingdom makes it clear that the others are intended to have a wider application.

Of the clauses specially mentioned in the telegram† from New Zealand it seems to be sufficiently clear that Clauses 1, 9, 10, 11, and 17 apply outside the United Kingdom, and Mr. McKenna may say incidentally that he agrees with the interpretation placed upon Clauses 9 to 11 in the third paragraph of your letter. As regards Clause 16, it seemed to Mr. McKenna that the words in the cross-heading purporting to indicate that the clause is limited to the United Kingdom were wrong, being inconsistent with the terms of the clause itself, some of which were expressly limited to the United Kingdom while others were not so limited. These words in the cross-heading have now been omitted and Mr. McKenna thinks that the clause will clearly operate outside the United Kingdom save in so far as any provision of it is expressly limited. As regards Clause 22, Mr. McKenna does not think it was the intention, nor does it seem to him necessary, to legislate on the matter dealt with therein as regards the Dominions. In the revised draft the words "in the United Kingdom" have, therefore, been inserted in the third line of the clause.

Mr. McKenna is disposed to agree with the interpretation of Clause 11 indicated in the fourth paragraph of your letter, and is of opinion that the expression "British subject," as used therein, would not include persons possessing local colonial naturalization only. It may be a matter for consideration whether this point might not be made clearer, e.g., by the insertion in the Bill of a provision that a person possessing local naturalization under a Colonial law is not to be deemed to be a British subject within the meaning of the Bill.

As regards the case of the widow of an alien who, having been a natural-born British subject, desires to resume British nationality, I am to point out that the omission from the Bill of any provision equivalent to Section 8 of the Act of 1870 was deliberate and in accordance with the recommendation of the Departmental Committee on whose Report the Bill was originally based. Such a person will be able to apply for naturalization in accordance with Clause 2 of the Bill, and it is unnecessary to maintain the almost purely verbal distinction in the Act of 1870 between naturalization and re-admission.

Mr. McKenna concurs with your suggestion that the Bill should provide for the point as to the particular authority which should exercise the powers of Clause 7, and the revised draft enclosed herewith contains a provision on the point (see sub-clause (3) of Clause 7.) If Mr. Harcourt does not desire that the Legislatures in the Crown Colonies should have the proposed power, Mr. McKenna will have no objection to sub-clause (3) being amended accordingly.

Mr. McKenna thinks that the point raised by New Zealand and dealt with in the seventh paragraph of your letter in regard to the permanency of the adoption of the Bill by a Dominion is a most important one, and, as at present advised, he is indisposed to agree that a Dominion should have power to rescind its adoption of the Bill. He is of opinion that the advantages in the direction of the solidarity of the Empire which are to be hoped for from the Bill would be seriously diminished by such a provision. Even if a Dominion is deterred from adopting the Bill by any doubt as to whether it will desire permanently to remain within the sphere of imperial nationality he is disposed to think that it would be better that such a Dominion should remain outside that sphere rather than that there should be any chance that, having once come in, it should go out again.

As regards the regulations made under Clause 18, Mr. McKenna does not think that it is necessary that the regulations made by the Home Government should run in the Dominions; and he is, on the other hand, of opinion that it is desirable that the Dominions should clearly have the same power of making regulations in regard to the certificates they issue as the Secretary of State at home will have. The

* Not reprinted.

† No. 113.

revised draft of the Bill contains express words on this point in Clause 7 (1) in order to remove any possible doubt thereon.

I am to add that in the revised draft Clause 11 (2) has been amended and added in order to meet points raised by the Foreign Office, and Clause 24 has been inserted to meet the wishes of the India Office. Clause 1 (1) (a) has also been altered by the restoration in lines 8 and 9 of the phrase "dominions and allegiance" which appeared in earlier drafts and by the addition of the present sub-clause (3), in order to make it clear that persons already alive are not affected either by the provisions of sub-clause (1) (b) or by the repeal (see Clause 27 (1) and the Third Schedule) of the British Nationality Act, 1772.

A further point of drafting occurs to Mr. McKenna, viz., that the words "but subject to be confirmed or disallowed by His Majesty" in Clause 8 (2) should be omitted.

Mr. McKenna suggests that it will probably be convenient that the points dealt with in this letter and any other points which may be raised on behalf of Australia or Canada should form the subject of a consultation between the Departments concerned, and if Mr. Harcourt concurs he will be glad to arrange accordingly as soon as the opportunity occurs. He hopes that it will not be long before any points to be raised by Australia and Canada will be in the possession of the Home Government.

I am, &c.,
W. P. BYRNE.

7286

No. 117.
AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 11.45 a.m., 23rd March, 1912.)

TELEGRAM.

[Answered by 22495 in Dominions No. 45.]

My telegram 24th January.* Should be glad to know when reply may be expected with regard to draft Naturalisation Bill.—HARCOURT.

7286

No. 118.
COLONIAL OFFICE to HOME OFFICE.

SIR, Downing Street, 25 March, 1912.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 8th of March,† on the subject of the draft "British Nationality and Status of Aliens Bill."

2. In reply, I am to request that you will inform Mr. Secretary McKenna that Mr. Harcourt concurs in the view that it is desirable that the Bill should form the subject of a consultation between the Departments concerned, but in view of the questions raised as to its terms it appears to him preferable to defer such consultation till replies have been received from the Governments of the Commonwealth of Australia and the Dominion of Canada to the communications which have been addressed to them with regard to the Bill.

3. The Home Secretary is aware that the matter is engaging the attention of the Canadian Government at present, and a telegram‡ has been sent to the Governor-General of the Commonwealth enquiring when the reply of his Government may be expected.

I am, &c.,
HENRY LAMBERT,
for the Under-Secretary of State.

* 35513: not printed: a reminder of No. 106.

† No. 116.

‡ No. 117.

11.

(RESOLUTION XI.): UNIFORMITY IN THE LAW OF ACCIDENT COMPENSATION.

23619

No. 119.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

[Copy to Home Office, 26 August, 1911. L.F.]

[Answered by No. 133.]

(Canada. No. 712.) (New Zealand. No. 299.)
(Union of South Africa. No. 475.) (Newfoundland. No. 201.)

[MY LORD,] [SIR,] Downing Street, 25 August, 1911.
WITH reference to my despatch, No. [23] [96] [62] [29], of the 23rd of February,* I have the honour to transmit to [Your Excellency] [you], for the consideration of your Ministers, a copy of Resolution XI. of the Imperial Conference of 1911, respecting the desirability of greater uniformity throughout the Empire in the law of accident compensation, together with copies of a memorandum† on the subject laid before the Conference.

[To Canada only: I should be glad if your Ministers would take steps to ascertain the views of the Provincial Governments on this question.]

I have, &c.,
L. HARCOURT.

Enclosure in No. 119.

XI.—UNIFORMITY IN LAW OF ACCIDENT COMPENSATION.

That it is in the best interests of the Empire that there should be more uniformity throughout its centres and dependencies in the law of accident compensation.

23619

No. 120.

THE SECRETARY OF STATE to THE GOVERNORS.

[Copy to Home Office, 26 August, 1911. L.F.]

[Answered by Nos. 122, 123, 126, 135.]

(New South Wales. No. 120.) (South Australia. No. 77.)
(Victoria. No. 87.) (Western Australia. No. 81.)
(Queensland. No. 80.) (Tasmania. No. 57.)

SIR, Downing Street, 25 August, 1911.
I HAVE the honour to transmit to you, to be laid before your Ministers, a copy of Resolution No. XI.‡ of the Imperial Conference of 1911, respecting the desirability of greater uniformity throughout the Empire in the law of accident compensation, together with a copy of a memorandum† which has been prepared in the Home Office on the subject.

I should be glad to receive an expression of your Ministers' views on this question.

I have, &c.,
L. HARCOURT.

23619

No. 121.
AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Copy to Home Office, 26 August, 1911. L.F.]

(No. 377.)

MY LORD, Downing Street, 25 August, 1911.
WITH reference to my despatch, No. 88, of the 23rd of February,* I have the honour to transmit to your Excellency, to be laid before your Ministers, a copy of

* No. 447 in Dominions No. 19. † See page 259 of [Cd. 5746-1]. ‡ Enclosure in No. 119.

Resolution No. XI.* of the Imperial Conference of 1911, respecting the desirability of greater uniformity throughout the Empire in the law of accident compensation.

2. It was pointed out by the Commonwealth representatives at the Conference that this matter is within the province of State legislation, and I have accordingly asked the Governments of the Australian States for an expression of their views, in a despatch† a copy of which is enclosed.

I have, &c.,
L. HARCOURT.

38973

No. 122.
WESTERN AUSTRALIA.
THE GOVERNOR to THE SECRETARY OF STATE.

(Received December 4, 1911.)

[Acknowledged January 4, 1912.]

[Copy to Home Office, January 5, 1912. L.F.]

(No. 63.)

Government House, Perth, Western Australia,

2nd November, 1911.

SIR,

I HAVE the honour to acknowledge the receipt of your despatch, No. 81, of 25th August, 1911,† desiring an expression of the views of my Ministers on the Resolution No. XI. of the Imperial Conference in 1911, respecting the desirability of greater uniformity in the law of accident compensation.

2. My Ministers have given careful consideration to this subject and have intimated the concurrence of this Government in the Resolution passed by the Imperial Conference above referred to respecting the desirability of more uniformity throughout the Empire in the law of accident compensation.

I have, &c.,
G. STRICKLAND,
Governor.

39542

No. 123.
TASMANIA.
THE ACTING GOVERNOR to THE SECRETARY OF STATE.

(Received December 9, 1911.)

(No. 39.)

Government House, Hobart, Tasmania,

31st October, 1911.

SIR,

WITH reference to your despatch, No. 57, dated 25th August, 1911,† covering a copy of Resolution No. XI. of the Imperial Conference of 1911, respecting the desirability of greater uniformity throughout the Empire in the law of accident compensation, I have the honour to transmit a communication received from the Premier on the subject.

I have, &c.,
J. S. DODDS,
Deputy Governor.

(Copy to Governor-General.)

Enclosure in No. 123.

YOUR EXCELLENCY, Premier's Office, Hobart, 30th October, 1911.
REFERRING to the accompanying despatch, No. 57, from the Secretary of State for the Colonies, dated the 25th of August last, covering a copy of Resolution No. XI. of the Imperial Conference of 1911, respecting the desirability of greater uniformity throughout the Empire in the law of accident compensation, I have the honour to inform Your Excellency that I am advised by my colleague, the Honourable the Attorney-General, that the Tasmanian Act complies with the five conditions

* Enclosure in No. 119.

† No. 120.

set forth in page (1) of the Memorandum prepared by the Home Office, which accompanied the despatch under review.

The following observations are submitted in regard to the suggestions made on page (2) of the Memorandum referred to:—

- (1) Seamen.—The area to be covered by this State is limited, and an amendment may be made when next the Workmen's Compensation Act is before Parliament.
- (2) Reciprocity.—The Tasmanian Act applies to workmen without distinction of race or nationality, and includes dependents wherever resident.
- (3) Statistics.—If a suggested form of statistical information were forwarded for consideration, it would simplify a decision by this State as to its power to furnish the information required.

I have, &c.,
N. E. LEWIS,
Premier.

His Excellency the Governor.

39547

No. 124.
COLONIAL OFFICE to HOME OFFICE.

Downing Street, 15 December, 1911.

SIR,

WITH reference to the letter from this Office of the 5th of September,* I am directed by Mr. Secretary Harcourt to request that you will inform Mr. Secretary McKenna that the "Workers Compensation Bill" which was introduced into the Parliament of Victoria during the last session did not become law.

2. It is understood that the Bill may be reintroduced at an early date.

3. I am at the same time to enclose copy of a despatch† which has been received from the Governor of Tasmania on the subject of the Accident Compensation Law in force in that State.

I am, &c.,
H. W. JUST.

39547

No. 125.
VICTORIA.
COLONIAL OFFICE to BOARD OF TRADE.

[Answered by No. 127.]

Downing Street, 15 December, 1911.

SIR,

WITH reference to the letters from this office of the 5th of September* and 18th of November,† I am directed by Mr. Secretary Harcourt to request that you will inform the Board of Trade that the Governor of Victoria reports that the "Workers Compensation Bill" did not become law during the recent session of Parliament.

2. It is understood that the Bill may be soon reintroduced, and Mr. Harcourt will be glad to receive early intimation of any observations which the Board may desire to offer with regard to the Bill.

I am, &c.,
H. W. JUST.

40970

No. 126.
QUEENSLAND.
THE GOVERNOR to THE SECRETARY OF STATE.

(Received December 23, 1911.)

[Copy to Home Office, March 1, 1912. L.F.]

(No. 72.)

Government House, Brisbane, 14th November, 1911.

SIR,

ADVERTING to your despatch, No. 80, of the 25th of August last,‡ accompanied by a memorandum by the Home Office on the subject of uniformity and reciprocity

* L.F. transmitting copy of the Victoria "Workers Compensation Bill"; enclosure in 39547: not printed.

† No. 123.

‡ Reminder

§ No. 120.

throughout the Empire in the law of Workmen's Compensation, I have the honour to forward herewith copies of the Queensland Workmen's Compensation Acts (2) of 1905 and 1909,* and to append the views of the Hon. the Attorney-General, which my Premier has forwarded to me with a statement of his full concurrence therein:—

"If by 'uniformity' is meant, not identity of legislation, but the acceptance of the same general principles as the basis of legislation, I think the principle of the resolution is commendable."

I have, &c.,
WM. MACGREGOR,
Governor.

29

No. 127.

VICTORIA.

BOARD OF TRADE to COLONIAL OFFICE.

(Received 1 January, 1912.)

[Copy to Home Office, 10 January, 1912. See No. 130.]

Marine Department,
7, Whitehall Gardens,

London, S.W., 30th December, 1911.

SIR,

I AM directed by the Board of Trade to acknowledge the receipt of your letter of December 15th,† relative to the Workers Compensation Bill introduced into the Parliament of Victoria.

With reference thereto I am to state, for Mr. Harcourt's information, that the Board consider that the following amendments should be made in the event of the Bill being re-introduced:—

1. A clause should be inserted defining the ships to which the Act is intended to apply, as has been done in the Australian Seamen's Compensation Bill.†

2. Provision should be made to prevent proceedings being taken under any other Act, Imperial or Commonwealth, as well as under the present Bill.

3. Clause 13 (2) (a) does not define the time at which a ship shall be deemed to have been lost with all hands, although the necessity for such a definition is implied in the provision contained in paragraph C. of the first sub-clause. In this connection reference might be made to Section 174 of the Merchant Shipping Act, 1894, copy of which is enclosed.

I have, &c.,
WALTER J. HOWELL.

Enclosure in No. 127.

MERCHANT SHIPPING ACT, 1894.

174. *Recovery of wages, &c., of seamen lost with their ship.*—(1) Where a seaman or apprentice is lost with the ship to which he belongs, the Board of Trade may recover the wages due to him from the owner of the ship, in the same court and in the same manner in which the seamen's wages are recoverable, and shall deal with those wages in the same manner as with the wages of other deceased seamen and apprentices under this Act.

(2) In any proceeding for the recovery of the wages, if it is shown by some official return produced out of the custody of the Registrar-General of Shipping and Seamen, or by other evidence, that the ship has twelve months or upwards before the institution of the proceeding left a port of departure she shall, unless it is shown that she has been heard of within twelve months after that departure, be deemed to have been lost with all hands on board, either immediately after the time she was last heard of, or at such later time as the court hearing the case may think probable.

(3) Any duplicate agreement or list of the crew made out, or statement of a change of the crew delivered under this Act, at the time of the last departure of the ship from the United Kingdom, or a certificate purporting to be a certificate from a

* 5 Edw. VII, No. 26, and 9 Edw. VII, No. 16.

† No. 125.

consular or other public officer at any port out of the United Kingdom, stating that certain seamen and apprentices were shipped in the ship from the said port, shall, if produced out of the custody of the Registrar-General of Shipping and Seamen or of the Board of Trade be, in the absence of proof to the contrary, sufficient proof that the seamen and apprentices therein named as belonging to the ship were on board at the time of the loss.

293

No. 128.

HOME OFFICE to COLONIAL OFFICE.

(Received January 3, 1912.)

SIR,

Home Office, Whitehall, 2nd January, 1912.

WITH reference to your letter of the 26th August last (23619)* and previous correspondence on the subject of the resolution of the Imperial Conference of 1911 in favour of greater uniformity throughout the Empire in the law of accident compensation, I am directed by Mr. Secretary McKenna to transmit to you, herewith, to be laid before Mr. Secretary Harcourt, copies of a memorandum which has been prepared in the Home Office containing notes comparing the British law with those in force in certain Colonies.

I am, &c.,
E. BLACKWELL.

Enclosure in No. 128.

WORKMEN'S COMPENSATION.

NOTES COMPARING THE BRITISH ACT WITH THE LAWS IN FORCE IN CERTAIN COLONIES.

A large number of States appear to have no special law, *e.g.*, Victoria, India, the Orange River Colony, and numerous small islands and possessions.

Others have laws more or less resembling the British law of Employers' Liability, *e.g.*, Ontario, Nova Scotia, New Brunswick, the North-West Territories, Natal.

A third group have laws which appear in the main to be based on the British law of Workmen's Compensation. In this group are Manitoba, Alberta, British Columbia, Newfoundland, Queensland, New South Wales, West Australia, South Australia, Tasmania, and New Zealand. Somewhat similar laws showing, as might be expected, traces of different influences, are in force in Quebec, the Cape, and the Transvaal. The two States last named, and Manitoba, have followed the example of the British Act of 1906 and included all employment, with specified exceptions. The other States have adhered to the plan of the British Act of 1897, and have included only certain specified employments.

Only the third group is dealt with in these Notes, which follow generally the lines of the Home Office Memorandum on the Workmen's Compensation Act.

Injury, &c., to which the Law applies.

ACCIDENT.

The British law relates to injuries arising out of and in the course of the employment.

This is the test in all cases, save that Quebec says "by reason of or in the course of."

Queensland, South Australia, and Tasmania expressly exclude injuries while going to or from the place of work. In the United Kingdom this is a question for legal decision, turning on the facts.

South Australia extends the rather limited scope of its Act by a provision that a factory worker employed elsewhere on the duties of the factory shall be within the Act.

* L.F. transmitting copies of Nos. 119, 120, and 121.]

INDUSTRIAL DISEASE.

The British law and the compensation scales thereunder are extended to industrial diseases—i.e., diseases specifically attributable to the employment in which they are contracted. Only three States follow suit:—

New Zealand.—Certain diseases are scheduled. Others may be brought in by gazetted Order in Council made by the Governor. The provisions as to disease are not to operate to affect a claim where the disease is also an injury.

In South Australia and in West Australia the Act applies "to injuries (to health) of workers employed by employers on or in or about any employment declared by proclamation (issuing only on Address from both Houses) to be dangerous or injurious to health or dangerous to life or limb."

On this subject of industrial disease uniformity of action appears specially difficult. With regard to a single disease—miners' phthisis or pneumoconiosis—there is already much difference of practice. In the United Kingdom it has not been included, in New Zealand it has once been included and since struck out, in West Australia its inclusion is being strongly opposed, and in South Africa, after two or three attempts at legislation, a temporary solution has been found in the setting up by Act of a Fund to which both employers and the State are to contribute and in the appointment of a Commission further to investigate the whole matter. In this instance the ordinary compensation scales are *not* applied.

Misconduct or Negligence on the part of the Worker.

In the United Kingdom serious and wilful misconduct disqualifies for compensation *unless the injury results in death or permanent disablement*. Alberta follows this. So does Manitoba; it adds a provision that *rescue* or attempted rescue shall not be deemed to be serious or wilful misconduct or outside the scope of the employment, and disallows compensation in cases of *drunkenness*.

The following States take away altogether the right to compensation in cases of serious and wilful misconduct: Newfoundland, New South Wales, Queensland, West Australia, South Australia, New Zealand.

British Columbia extends the bar to *serious neglect*.

Tasmania follows suit, and provides further against *insobriety* and *breaches of rules* printed and published by the employer for the safety and protection of the workers.

At the Cape and the Transvaal the grounds on which compensation may be refused (in both cases subject to appeal) include: in Cape Colony, *gross negligence*; and, in the Transvaal, serious and wilful misconduct, including *drunkenness* and *contravention of laws or regulations as to safety*.

Refusal to submit to medical examination appears in all cases to bar compensation—at any rate, for the time being. In New Zealand the law goes much further, no compensation being payable if *death* is caused by an unreasonable refusal to submit to medical treatment or to any surgical treatment, the risk of which is, in the opinion of the Court, inconsiderable, in view of the seriousness of the injury or disease.

Previous false representations (in writing, to the employer) as to disease or injury also disqualify in New Zealand.

Retarding recovery is made by the Cape a ground for setting aside an award of compensation.

Alternative Remedies under other Law or against other Person.

Nearly all the Colonies have provisions resembling the English, save that the Cape *abolishes* proceedings under other laws and *repeals* its Employers' Liability Act, and Manitoba makes proceeding under one law forfeit the right to proceed under another, without providing that a Court in which proceedings are started under one law may assess compensation under the other.

New Zealand abolishes the doctrine of Common Employment. It leaves open a remedy by action for damages, but if either damages or compensation are awarded, the amount is deducted from other compensation or damages subsequently awarded. This apparently applies only to proceedings in respect of *death* after action in respect of *injury*.

Employments, &c., to which the Law applies.

The earlier British Act specified certain *classes of employment*. This example is followed by—

Quebec, with a long category, from which, however, agriculture is excluded. British Columbia.

Alberta. Agriculture and farming, and a great variety of operations in connection with farms (*e.g.*, construction, &c. of farm buildings, &c.), expressly excluded.

West Australia (Proclaimed Dangerous Trades included). South Australia.

New South Wales (Proclaimed Dangerous Trades included).

Tasmania (additions to be by resolution of both Houses).

Queensland (but the definitions are very wide).

New Zealand.

As to seamen in particular, see the Appendix to the Memorandum printed for the Conference.

The present British Act applies generally to all employment, excluding certain named classes.

A similar plan is adopted in the Cape and the Transvaal. In both cases domestic service is excluded, and, at the Cape, messenger and errand service also, and agriculture.

In Manitoba the same plan is followed, farm operations, the construction &c. of farm buildings &c. and domestic service being excluded; the effect of the whole Act is much limited by its non-application where less than five persons are employed.

Provision is usually made for application to *Crown Servants* in the same cases where the Act would apply in the case of an ordinary employer. In Manitoba the provision is simply "Employer includes the Crown." New Zealand has a provision preventing application to persons in the service of the Crown "otherwise than in respect of the Government of New Zealand." Service in the *Army or Navy* is sometimes expressly excluded. Service with *Local Authorities* is mentioned, *e.g.*, in Alberta, Manitoba, Queensland, and Tasmania. New Zealand limits the extent of the Act's application to Local Authorities. The Note below as to "Effect of provision under other Acts" should be consulted.

CLASSES OF WORKERS EXCLUDED.

WAGE LIMIT.

Persons not employed in manual labour are excluded by the British Act if their remuneration exceeds £250 a year, and by Alberta and Manitoba if it exceeds 2,500 dollars.

The following States, without distinguishing the nature of the employment, exclude all persons earning more than the amounts named:—

Quebec	...	...	...	...	1,000 dollars.
New Zealand	...	...	...	...	£260.
Transvaal	...	...	...	...	£500.

Seven States impose no limit:—British Columbia, Newfoundland, Queensland, West Australia, South Australia, the Cape and New South Wales. The New South Wales law in terms applies only to persons employed in manual labour.

CASUAL EMPLOYMENT.

The British law excludes persons employed casually otherwise than for the purposes of the employer's trade or business.

New South Wales, Newfoundland and the Transvaal have similar provisions.

Tasmania adds a definition, making "casual" mean employment of less than 27 hours in each week.

New Zealand on the other hand includes temporary work, even though such work be not even partly the regular trade, &c., of the employer, and has a schedule which brings in employment in certain specified ways, whether on part of the employer's business or not. But it prevents this wide application from affecting the Government and Local Authorities. For certain classes of casuals, a minimum compensation of £1 a week is fixed.

South Australia fixes £2 per week as the sum to be regarded as the wage of longshoremen engaged in loading and unloading ships.

Manitoba excludes both casuals and persons employed otherwise than for the purposes of the employer's trade or business.

EFFECT OF PROVISION UNDER OTHER ACT., &C.

The British law excludes police so provided for. New South Wales similarly excludes miners and quarrymen, and has also a general provision for the deduction of sums paid under other Acts. New Zealand allows diminution of compensation by amount received from employer, or from a fund to which *Statute compels him to contribute*, but the Coal Mines Amendment Act of 1910 enacts that amounts paid out of the sick and accident fund or the Coal Miners' Relief Fund shall *not* be deducted from compensation; certain Acts relating to the Public Service are not to be affected. The Cape saves rights under the rules of any Fund, Benefit Society or Government Regulation. The Transvaal allows, in the case of police and public servants, an option whether to proceed for compensation or for superannuation allowance, &c.

MEMBERS OF EMPLOYERS' FAMILY RESIDING WITH HIM.

Excluded by the United Kingdom and South Australia.

OUTWORKERS.

Excluded by the United Kingdom, Manitoba, Alberta and the Transvaal.

NUMBER OF MEN EMPLOYED.

Manitoba makes its Act apply only "to employers who employ in their trade or business at the time the accidental injuries occur five or more workmen, or who usually or from time to time employ in their trade or business five or more workmen." New South Wales defines an employer as a person who habitually employs at least four persons in his trade or business.

Quebec has a provision, the effect of which is not easy to make out: "Workmen who usually work alone shall not be subject to this Act from the fact of their casually working with one or more other workmen."

NATIONALITY, RACE, AND PLACE OF RESIDENCE OF WORKER.

The British law places aliens on exactly the same footing as natives, and makes no stipulation as to places of residence. If a workman permanently disabled goes abroad, provision is made for payment of compensation by quarterly remittances. Tasmania has a similar provision. Alberta provides for the case of any workman leaving while receiving weekly payments, subject to a certificate by the referee. Queensland allows to the workman who leaves, 156 times his weekly payment. Under the Transvaal law, the workman who leaves without his employer's consent forfeits further payments. In the case of Quebec, a foreign workman who does not reside in the Province at the time of the accident or who leaves thereafter is not entitled to compensation, but his common law rights are saved.

The Transvaal law applies only to *Whites*. Possibly the same effect is reached in other States by separate laws of which we do not know. The Union of South Africa has just passed a simple law for moderate compensation to native labourers which is not to deprive them of existing rights under the laws of individual States. This legislation is exceptional in character and the details of its provisions have not been incorporated in these notes.

PLACE OF RESIDENCE OF DEPENDANTS.

Quebec—Foreign representatives non-resident at the time of the accident or leaving thereafter are confined to their remedy under laws other than the Compensation Law.

Queensland excludes dependants not residing in Australia or New Zealand.

New South Wales excludes those not residing in New South Wales.

Manitoba excludes those not residing in Manitoba.

New Zealand requires that the dependants be domiciled or resident in New Zealand at the time of the accident—with, however, a provision for reciprocity within the Empire—see the Home Office Memorandum printed for the Conference. Plaintiffs residing out of New Zealand may be required to give security for costs.

Dependants.

DEFINITION OF DEPENDANTS.

The following Table sets out the persons included by different States in the list of the members of FAMILIES included.

Newfoundland.	Cape, West Australia.	New South Wales, Queensland.	UNITED KINGDOM, Tasmania.	South Australia.	British Columbia.	New Zealand.	Alberta, Manitoba.	Quebec and Transvaal. See letterpress below.
Wife ...	"	"	"	"	"	"	"	"
Husband ...	"	"	"	"	"	"	"	"
Father ...	"	"	"	"	"	"	"	"
Mother ...	"	"	"	"	"	(including m. of illegitimate.)	Including those of an illegitimate.	"
Grandfather ...	"	"	Including those of an illegitimate.	"	Omitted	"	"	"
Grandmother ...	"	"	"	Omitted	Omitted	"	"	"
Stepfather ...	"	"	"	Omitted	Omitted	"	"	"
Stepmother ...	"	"	"	Omitted	Omitted	"	"	"
Son ...	"	(and illegitimate.)	"	"	"	(and illegitimate and post- humous.)	Including illegitimates.	"
Daughter ...	"	(and illegitimate.)	Including those of an illegitimate.	"	"	(and illegitimate and post- humous.)	"	"
Grandson ...	"	"	"	"	"	"	"	"
Granddaughter ...	"	"	"	"	"	"	"	"
Stepson ...	"	"	"	"	Omitted	"	"	"
Stepdaughter ...	"	"	"	Omitted	Omitted	"	"	"
Brother ...	"	"	"	"	Omitted	(and brother of illegiti- mate by same father and mother.)	"	"
Sister ...	"	"	"	Omitted	Omitted	(and sister as above.)	"	"
Half-brother ...	Omitted	"	"	Omitted	Omitted	"	"	"
Half-sister ...	Omitted	"	"	Omitted	Omitted	"	(and adopted child and foster-parent.)	"

Quebec refers to the surviving consort, married before the accident and not divorced or separated at the death; the legitimate or acknowledged illegitimate children (to benefit by assistance till 16); and the ascendants of whom deceased was the sole support.

In the Transvaal the dependants are grouped in an order of preference, beginning with husband or wife, including, *e.g.*, illegitimates, step-relatives and half-brothers, and concluding with "all others connected by consanguinity or affinity."

DEATH OF DEPENDANTS.

New Zealand provides that on the death of a dependant the rights survive.

MISCONDUCT, &C., OF WIDOW.

The British Act (Schedule I (9)) provides for variation of order where there is neglect. Similar provision is made in Manitoba, Alberta, Newfoundland, Tasmania, and New Zealand. Queensland and New South Wales refer to drunkenness, and New South Wales refers also to misconduct or re-marriage.

PLACE OF RESIDENCE OF DEPENDANTS. See above.

Person liable to pay Compensation.

This is in all cases the employer. (Under the South African Law relating to miner's phthisis, however, a part of the burden is borne by the State.)

EMPLOYER LENDING WORKMEN'S SERVICES OR LETTING THEM ON HIRE.

The British law provides for continuance of liability.

A few States follow suit, *e.g.*, Manitoba, Alberta, Tasmania.

Others do not, *e.g.*, Quebec, Queensland, West Australia.

SUBCONTRACTING.

The provisions vary, but practically every State makes some provision.

BANKRUPTCY OF EMPLOYER.

BENEFIT OF INSURANCE.

All States follow the British law in providing for this.

Manitoba goes further, and enables a workman, even though his employer be not bankrupt, to establish by notice a lien on the insurance.

In Quebec the position appears to be that the employer, unless the claimant opts for payment direct, *pays into* an Insurance Company, the "capital" to provide the "rent." He may also *receive from* an Insurance Company or Benefit Society all or part of the amount necessary, but as regards this he remains liable, even though the Company or Society fail to pay him.

PRIORITY OR PREFERENCE.

The United Kingdom and Tasmania give this, up to £100 or the sum for which weekly payments could be commuted.

In Alberta and Manitoba the limit is 500 dollars or the sum obtainable by commutation.

In Newfoundland the only limit is 500 dollars.

Quebec gives privilege varying in degree according to amount.

New Zealand and West Australia give priority for certain employments, imposing no limit, and New Zealand enables proof in bankruptcy in all cases. Some States, *e.g.*, British Columbia, Queensland and New South Wales, make no provision.

Amount of Compensation, &c. Injuries Resulting in Death.

PERSONS WHOLLY DEPENDANT.

In the case of persons left wholly dependant, the British law requires a payment of:—

	£150 or three years' earnings, whichever is larger, up to £300	
British Columbia,	1,000 dollars	" " " 1,500 doll.
Alberta,	1,000 dollars	" " " 1,500 "
Newfoundland,	750 dollars	" " " 1,500 "
Queensland,	£200	" " " £400
West Australia,	£200	" " " £400
South Australia,	£150	" " " £300
New South Wales,	£200	" " " £400
New Zealand,	£200	" " " £500 (<i>see below</i>)
Tasmania,	£100	" " " £200

The Cape provides for not more than *three* years' wages and not more than £400; regard is to be had to necessities, which are to be calculated without reference to the dependants' interests in Benefit Society Funds. No deduction is to be made in respect of provisional payments for less than three months, and there is to be no attachment for the debts of the deceased. There is to be an allowance for the employer's contributions to funds, even if the man failed to join.

The Transvaal prescribes not more than *two* years' wages and not more than £500; has a provision like that of the Cape with regard to provisional payments and provides for cases where the employer has contributed to benefit funds. Compensation monies not liable to duties or attachment.

New Zealand provides (*see above*) that there shall be no abatement because claimant benefits under a policy.

Manitoba has a simple maximum of 1,500 dollars.

Quebec has a provision for *four* times the average yearly wage, minimum 1,000 dollars, maximum 2,000 dollars—these limits not to apply where the injury was caused by the inexcusable fault of the worker or employer respectively.

The British plan of reckoning three years' earnings as = three times the amount earned by the workman during the previous year in the employment of the same employer, or 156 times his average weekly earnings in that

employment, is followed by several States, *e.g.*, British Columbia, Alberta, Newfoundland and New South Wales.

PARTIAL DEPENDANTS.

The British law provides for payments not exceeding the foregoing maxima, reasonable and proportionate to the loss sustained.

Similar provisions are in force in British Columbia, Manitoba, Alberta, Newfoundland, Queensland, West Australia, New South Wales and South Australia.

New Zealand gives three times the benefits actually received in the last 12 months subject to the maximum mentioned above.

The Cape prescribes the equivalent of two years support with a maximum of £200: the monies being protected as stated previously in the case of persons wholly dependant.

The Transvaal does not differentiate between the compensation of persons wholly and that of persons partially dependant.

Quebec recognizes "ascendants" only when wholly dependant: in other cases it appears not to differentiate.

MEDICAL ATTENDANCE AND BURIAL.

The British provision is that where there are no dependants, these expenses, so far as reasonable, are payable up to a maximum of £10.

The maxima elsewhere are:—

Manitoba and British Columbia	...	100 dollars.
Alberta	...	200 dollars.
Newfoundland	...	50 dollars.
New South Wales	...	£12 (but nothing if payable by Friendly Society).
New Zealand	...	£20 (including first aid, and payable in addition to compensation).
West Australia	...	£100.
South Australia	...	£50.
Tasmania	...	£30.
Queensland	...	£30 (but nothing if payable by lodge, &c.).
Cape	...	£40.
Transvaal	...	£60 (if paid by employer; £45 if deducted by the representative who has sued on behalf of the dependants).
Quebec	...	25 dollars (unless an association actually provides therefor).

QUESTION OF PAYMENT DIRECT TO DEPENDANTS.

The British provision—payment to be into court unless otherwise ordered—is followed by Alberta, Manitoba, Tasmania and New Zealand.

Newfoundland says "to such person as the court or the judge directs."

The following States contemplate payment direct:—

British Columbia, West Australia, Queensland, New South Wales, South Australia.

At the Cape and the Transvaal the legal representative sues, and pays to the dependants or into Court. In Quebec the payment is made, at the option of the claimant, either direct or to an Insurance Company.

Amount of Compensation. Total Disablement.

The British law requires a weekly payment of not more than 50 per cent. of the average weekly earnings.

All the States follow this save Manitoba (which refers to 50 per cent. of the diminution in earning capacity; this perhaps has the same effect), Quebec, the Cape and the Transvaal.

Some States add minima:—South Australia 7s. 6d. a week; New Zealand £1 a week for those earning more than 30s. a week and for certain persons casually employed.

The maxima vary considerably :—

State.	Weekly Maxima.	Maximum Total Payments.
United Kingdom ...	£1 ...	No limit.
Alberta ...	10 dollars ...	No limit.
British Columbia ...	10 dollars ...	1,500 dollars.
Manitoba ...	10 dollars ...	1,500 dollars.
Newfoundland ...	5 dollars ...	No limit.
Queensland ...	£1 ...	£400.
New South Wales ...	£1 ...	£200.
South Australia ...	£1 ...	£300.
West Australia ...	£2 ...	£300.
Tasmania ...	£1 10s. ...	£200.
New Zealand ...	No limit ...	£500 or six years payments, whichever is less.

Tasmania and New Zealand have also graduated scales for specified injuries, such scales not to operate to reduce compensation for total incapacity, or, in case of double injuries, partially disabling, to carry the total over the limits here fixed.

In New Zealand the compensation may be in the form of a lump sum in the first instance, the amount to be settled, failing agreement, by the court. The ability of the employer to pay is to be taken into account, and the sum is to be the present value, at 5 per cent. compound interest, of the aggregate probable liabilities.

In the case of Quebec it is more convenient to set out the provisions as to total and partial disablement together :—

Absolute and Permanent Disablement.—50 per cent. of actual wage in previous year; or actual wage plus average wage earned by other workmen during the workman's unemployment.

Permanent and Partial Disablement.—Half the loss of wages, reckoned as above.

Temporary Disablement (? both Partial and Absolute).—From seventh day, half daily wage received on day of accident.

These sums are calculated on the wage up to 600 dollars per annum. After 600 dollars only one-fourth is taken into account up to 1,000 dollars; compensation is subject to a maximum equal to the "rent" procurable by a capital of 2,000 dollars. This maximum, however, does not apply when the injury is caused by the employer's inexcusable fault.

In the Transvaal the procedure is by way of Provisional Order for not more than 50 per cent. of wage received at time of injury (*i.e.*, the average wage); and if the injury proves to be permanent, there is a subsequent right of action for three years' wages or £750, whichever is less. At the Cape there is a similar procedure with limits of 50 per cent. of average wage (excluding overtime), and of £2 per week, and a subsequent right of action, if the man is permanently totally incapacitated, for three years' wage or £600, whichever is less. In both cases the matter is complicated by the provisions with regard to the contributions, &c., of the employer and the worker in Friendly Societies, and so on.

Amount of Compensation. Partial Disablement.

Under the British law the payment is not to exceed the difference between the wages the workman earned before and those he can earn after the accident, and must bear a proper proportion to that difference. *Maximum*, half the average wage earned in the previous 12 months under the same employer.

Tasmania* follows this plan, adding, as well, however, another maximum—10 dollars per week. So do Newfoundland and Alberta; maximum 5 dollars a week.

Four States allow only half the difference in the earning capacity :—Manitoba, Queensland, New South Wales, and New Zealand; New Zealand, however, has also graduated a scale for specified injuries under which, so long as

* Tasmania has also a scale for specified injuries. See the note as to New Zealand in the following paragraph.

the compensation does not exceed the maximum fixed for total incapacity, it may exceed that fixed for partial; there is a further maximum of 6 years' payments, or £500 in all, and a lump sum payment is allowed, as to which see under Total Disablement. Manitoba has a maximum of 10 dollars a week, or 1,500 dollars in all.

British Columbia, South Australia, and West Australia merely require regard to be had to earning power.

At the Cape and the Transvaal the procedure by Provisional Order, peculiar to these States, leaves open a right of action for an amount not to exceed either three years probable loss of income or £375 (Transvaal), or £300 (Cape), in each case less payments already made.

Period off Work to qualify for Compensation, and Date from which Payment is to be made.

Under the British law there is { no compensation unless disablement lasts *more than two weeks* } compensation only from end of first week. *unless disablement lasts two weeks.*

This is the rule also in Newfoundland, New Zealand, and Tasmania.

In Manitoba, British Columbia, Alberta, New South Wales, and West Australia the minimum period is two weeks and compensation is payable only from the end of the second.

In South Australia the minimum is one week; payment thereafter.

In the Transvaal it is one week. Payment from date of injury.

In Queensland and in the Cape it is three days. Payment from date of injury.

In Quebec there are two rules—

Permanent incapacity—From day of accident or from date of establishment of permanent incapacity.

Temporary incapacity—On and after eighth day.

Possible future Disablement.

New Zealand, the Cape, and the Transvaal make special provision for securing declaration of liability, &c., in respect of injuries that may turn out later on to cause disablement.

Scale for Men under 21, Apprentices, &c.

In the United Kingdom if the average wage of a man under 21 is less than £1, compensation may equal the average wage and not merely 50 per cent. thereof; it may extend to 10s. a week, and, after 12 months, to half the rate of wage which would probably have been received by that time, subject to a maximum payment of £1 a week.

Queensland and Tasmania make similar provision.

New South Wales omits the provision for increase after 12 months.

Alberta, if the wage is less than 10 dollars, allows payment up to 7½ dollars, and, on review, this may be extended to 10 dollars.

Newfoundland, if the wage is less than 5 dollars, allows up to 2½ dollars; on review, 5 dollars.

New Zealand, in cases of permanent incapacity, enacts that the wage shall be deemed to be not less than £2 a week, and, when the man becomes 21 years of age, the reduction of earning power is to be calculated by deducting probable earnings from that sum.

Manitoba fixes a maximum payment of six dollars a week or 1,500 dollars in all, the compensation being calculated on diminution in earning capacity :—25 per cent. for first month of employment, 40 per cent. for the second, and 50 per cent. thereafter.

In the Transvaal the Magistrate may, in cases of permanent total incapacity, increase to £300 a claim for less than £300; in cases of partial incapacity claims below £150 may be raised to £150, if, having regard to the probable increase in earning capacity during three years after the accident, such increase appears reasonable.

In Quebec "Apprentices are assimilated to the lowest paid workmen."

Some States, *e.g.*, British Columbia, make no special provision.

Scale for Aged and Infirm Workers.

New South Wales, Queensland, and Tasmania make special provision.

Scale for Industrial Disease. See p. 1.

Scale for "Casuals." See p. 3.

BEARING OF ACT ON FINES.

The British Act provides that nothing therein is to affect proceedings for or the application of fines.

Some States follow suit, *e.g.*, Newfoundland.

Some have no provision, *e.g.*, Alberta.

Some enact that if the fine is applied for the benefit of the injured person, it is to be taken into account in assessing compensation, *e.g.*, British Columbia, West Australia, New South Wales.

DEDUCTION FROM COMPENSATION OF SUMS DUE TO EMPLOYER FROM WORKMAN.

This is allowed in Quebec.

DEDUCTIONS FROM WAGE IN RESPECT OF COMPENSATION CHARGE.

This is prohibited in Quebec and Queensland. In the United Kingdom there is no special provision, and deductions are held not to be in contravention of the Truck Acts.

Proceedings for Settlement of Claims.

NOTICE OF CLAIM.

Some States fix a time limit within which notice must be given, but the point being one merely of procedure, it does not seem necessary to set out details.

SUBMISSION TO EXAMINATION BY EMPLOYER'S DOCTOR.

The English provision is followed by all States save the Cape, where the system of direct recourse to a Court and submission to examination by an official doctor renders such a provision unnecessary.

SETTLEMENT BY AGREEMENT.

This is provided for everywhere except at the Cape. In the Transvaal the provision appears, however, to relate only to periodical payments under the Provisional Order procedure. (In Quebec the Judge "facilitates an understanding" and gives judgment in accordance with agreement.)

COMMITTEES OF WORKMEN AND EMPLOYERS.

Alberta, Manitoba, British Columbia, and South Australia make provision.

Quebec, Newfoundland, West Australia, Queensland, New South Wales, Tasmania, New Zealand, the Cape and the Transvaal do not.

ARBITRATION.

No provision in the States mentioned in the preceding paragraph. In New Zealand the *proceedings* are in the Court of Arbitration.

FEES AND COSTS (compare "Medical Referees' Fees").

The British law requires that there shall be no COURT FEES before the award other than those prescribed.

Similar provisions appear in the laws of Alberta, Manitoba.

British Columbia and South Australia permit no Court Fees before the award.

Newfoundland allows no Court Fees at all.

With regard to Costs these are usually, as in the United Kingdom, in the discretion of the Court, and not to exceed those prescribed; *e.g.*, Queensland, South Australia, New Zealand, British Columbia.

Manitoba fixes a maximum limit of 25 dollars.

The Transvaal gives power to order double costs to the successful party in the case of frivolous or vexatious proceedings.

The other States appear not to make special provision.

DELAY IN PAYMENT OF COMPENSATION.

New Zealand gives the Court power to order payment of interest.

REVIEW AND REDEMPTION OF WEEKLY PAYMENTS.

Periodical Submission to Medical Examination by employer's doctor.

Only Quebec appears not to provide for this.

(At the Cape and in the Transvaal the procedure of examination by the employer's doctor is not set up at all.)

Procedure for Variation.

There is no striking difference. New Zealand allows variation with retrospective effect. In Quebec variation is possible up to four years, by action, but it is not in form a variation of a *weekly payment*. The Cape and Transvaal contemplate the confirming, varying or setting aside, by action, of Orders provisionally awarding compensation.

Commutation.

Date.

Most States prescribe, as in the United Kingdom, six months.

Queensland, three months.

Tasmania, two weeks.

New Zealand, any time, and compensation may take the form of a lump sum in the first instance.

See above as to the Cape and the Transvaal—on confirmation of Orders provisionally awarding compensation a lump payment is due.

Amount.

In the United Kingdom it is to be fixed by arbitration, and, in the case of permanent incapacity, to be the sum that will purchase an annuity of 75 per cent. of annual value of weekly payments.

No maxima are fixed by Alberta, British Columbia, New South Wales, Queensland, Western Australia.

Newfoundland and Manitoba fix 1,500 dollars, South Australia £300.

PROVISIONS AS TO MEDICAL REFEREES.

Provisions like the British appear in the Acts for Manitoba, Alberta, Queensland, New South Wales.

Tasmania has provisions much like the English, with a statutory bar against a Referee taking a case in which he has acted privately.

In British Columbia and South Australia the Committee, Arbitrator or Judge can obtain reports from the Referee; otherwise the option of recourse to the Referee is with the workman, who simply submits himself for examination if he objects to the employer's doctor or is dissatisfied with the certificate. In New Zealand references may be made in various ways. One is a simple joint request of the parties.

In Western Australia the Governor's power to appoint Medical Referees has been abrogated in favour of a system of the nomination of a third medical man by the doctors of the parties.

At the Cape the procedure is that the workman notifies the Magistrate, who consults a surgeon, and, if the surgeon after visiting the man certifies that he was incapacitated for more than three days, holds an inquiry with a view to settling compensation. If the injury is decided not to have incapacitated for more than three days, the workman may, if he subsequently contends that the injury turns out to be more serious, start all the procedure again—at his own cost if unsuccessful.

In the Transvaal the workman transmits to his employer, with his claim, a certificate of his condition. Medical and other technical assessors can be appointed to assist the Magistrate at the enquiry; the appointed practitioners appear to be referred to only on an application to set aside an order on the ground that the workman has recovered. Assessors can again be appointed to assist at the trial of the action which may follow in cases of permanent incapacity.

In Quebec there is only provision for examination by the employer's doctor with the workman's doctor present.

In Newfoundland there is only provision for submission to examination by the employer's doctor.

FEES.

In the United Kingdom the Medical Referees are paid by the State, but, on reference, fees not exceeding £1 must be paid by the applicants.

In South Australia, New Zealand, the Transvaal and the Cape the fees are paid out of public funds (though, in the last two cases, if one of the parties subsequently reopens the matter, that party must pay if unsuccessful). In all other States, apparently, the applicant pays.

In Queensland and New South Wales fees are merely not to exceed those fixed by Regulations.

In Tasmania an added limit appears—£2; in Alberta and Manitoba 10 dollars.

British Columbia apparently has no provision.

Contracting-out.

All States prohibit this, by nullifying any such contract.

The Cape imposes a penalty of £100 for threatening or compelling a workman to do anything likely to deprive him of compensation. In the Transvaal it is £100 or three months.

New Zealand allows, as an exception, contracting-out in respect of a disease or injury from which the workman is already suffering when he enters the employment.

SAVING FOR APPROVED SCHEMES.

Provision resembling the British is made in almost every case; Quebec, the Cape and the Transvaal being exceptions.

POWER TO MAKE REGULATIONS SUPPLEMENTAL TO THE ACT.

This is taken in practically every case. Omissions, *e.g.*, Alberta, Quebec.

POWER TO PRESCRIBE PROVISIONS OF INSURANCE POLICIES.

This is not given by British law. New Zealand, West Australia and Quebec make provision.

REQUIREMENT OF RETURNS.

A few States impose this as in the United Kingdom, *e.g.*, Newfoundland, New South Wales, Tasmania, the Cape.

FACT OF INSURANCE TO BE DISCLOSED IN ACTION.

The Cape and the Transvaal require this.

Home Office,
August, 1911.

293

No. 129.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

[Answered by No. 135.]

(Canada. No. 40.)
(Australia. No. 26.)
(New South Wales. No. 12.)
(Victoria. No. 10.)
(Queensland. No. 11.)
(South Australia. No. 10.)

(Western Australia. No. 10.)
(Tasmania. No. 10.)
(Union of South Africa. No. 30.)
(New Zealand. No. 21.)
(Newfoundland. No. 18.)

SIR,
MY LORD,

Downing Street, 18 January, 1912.

WITH reference to my despatch, No. [3*] [2*] [1*] [10*] [1*] [1*] [1†] [1*] [1*] [1*], of the 4th instant, on the subject of the resolution of the Imperial Conference respecting the desirability of greater uniformity throughout the Empire

* Transmitter of No. 122.

† Acknowledgment of No. 122.

in the law of accident compensation, I have the honour to transmit to [Your Royal Highness], [Your Excellency], [you], for the information of your Ministers, the enclosed copies of a memorandum* prepared in the Home Office, comparing the British law with the laws in force in certain Colonies.

[To all except Queensland: I also enclose a copy of a despatch† from the Governor of Queensland on the subject].

I have, &c.,
L. HARCOURT.

2577

No. 130.

VICTORIA.

HOME OFFICE to COLONIAL OFFICE.

(Received 26 January, 1912.)

[Answered by L.F. transmitting copy of No. 131.]

SIR,

Home Office, Whitehall, 25th January, 1912.

WITH reference to your letter of the 10th instant (29/1912),‡ forwarding a copy of a letter from the Board of Trade on the subject of a Workers' Compensation Bill, introduced into the Parliament of Victoria in 1911, I am directed by Mr. Secretary McKenna to say, for the information of Mr. Secretary Harcourt, that he concurs in the observations of the Board of Trade and has no other observations to offer on the Bill.

I am, &c.,
E. BLACKWELL.

2577

No. 131.

VICTORIA.

THE SECRETARY OF STATE TO THE GOVERNOR.

[Copy to Board of Trade and Home Office, 14 February, 1912. L.F.]

(No. 24.)

SIR,

Downing Street, 13 February, 1912.

I HAVE the honour to acknowledge the receipt of your despatch No. 56 of the 2nd of November,§ forwarding a copy of the Workers' Compensation Bill, which was before Parliament in the session of 1911.

2. His Majesty's Government are glad to learn that your Ministers recognise the desirability of maintaining uniformity in the law of accident compensation, and they trust that it will be found possible to pass the Bill at an early date. I have to suggest that your Ministers should consider whether it would not be desirable to insert in the Bill a precise definition of the ships to which it is applicable; such definitions have been included in the Seamen's Compensation Act, 1911, of the Commonwealth Parliament, and in the Workmen's Compensation Act, 1911, of the Parliament of South Australia, with the provisions of which your Ministers are, no doubt, familiar. At the same time it might be desirable to insert a provision on similar lines to that contained in Section 6 (2) of the South Australia Act, to prevent the possibility of proceedings being taken both under the Victoria Act and the legislation of some other part of His Majesty's dominions.

I have, &c.,
L. HARCOURT.

* Enclosure in No. 128.

† No. 126.

‡ Not printed.

§ 39547: not printed.

4623

No. 132.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR.

[Copy to Board of Trade, 22 February, 1912. L.F.]

(No. 60.)

MY LORD,

Downing Street, 21 February, 1912.

WITH reference to your despatch, No. 145 of the 23rd of November, 1911,* I have the honour to inform you that His Majesty will not be advised to exercise his power of disallowance with respect to the Act of the Parliament of New Zealand, No. 34, 2 Geo. V., entitled, "An Act to amend the Workers' Compensation Act, 1908."

I have to request, however, that you will draw your Ministers' attention to the fact that there appears to be no provision either in this Act, or in the principal Act, similar to the provision in Section 7 (1) (g) of the Imperial Workmen's Compensation Act, 1906, of which a copy is enclosed, defining the date on which a ship shall be deemed to have been lost with all hands.

I have, &c.,

L. HARCOURT.

9779

No. 133.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received March 30, 1912.)

[Copy to Home Office, April 16, 1912. L.F.]

[Acknowledged April 12, 1912.]

(No. 27.)

SIR,

Government House, Wellington, 23rd February, 1912.

WITH reference to your despatch, No. 299 of the 25th August, 1911,† on the subject of Imperial Conference Resolution XI. (Accident Compensation Laws), I have the honour to inform you that in a minute to me of the 19th February, my Ministers report as follows:—"There does not appear to be any necessity for New Zealand to take steps in the direction indicated, on account of the fact that, while British Workers' Compensation Act of 1906 has the widest application, the New Zealand Act is largely based on that Act and goes further than the Acts of any other British Dominion."

I have, &c.,

ISLINGTON,

Governor.

9779

No. 134.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 259.)

(South Australia. No. 40.)

(Australia. No. 160.)

(Western Australia. No. 40.)

(New South Wales. No. 48.)

(Tasmania. No. 35.)

(Victoria. No. 42.)

(Union of South Africa. No. 175.)

(Queensland. No. 42.)

(Newfoundland. No. 70.)

[SIR],

[MY LORD],

Downing Street, 12 April, 1912.

WITH reference to my despatch, No. [40] [26] [12] [10] [11] [10] [10] [30] [18] of the 18th of January,‡ I have the honour to transmit to [Your Royal Highness]

* 227: not printed.

† No. 119.

‡ No. 129.

[Your Excellency] [you], for the information of your Ministers, the accompanying copy of a despatch* from the Governor of New Zealand on the subject of the eleventh resolution of the Imperial Conference in favour of uniformity in the laws affecting workmen's compensation.

2. I have also to transmit to you the accompanying copy of Act No. 34 of 1911, of the Parliament of New Zealand, entitled, "An Act to amend the Workers' Compensation Act, 1908."

I have, &c.,

L. HARCOURT.

13803

No. 135.

SOUTH AUSTRALIA.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received May 6, 1912.)

[Copy to Home Office, May 23, 1912. L.F.]

(No. 18.)

SIR,

Government House, Adelaide, 3rd April, 1912.

WITH reference to your despatch, No. 77, of 25th August, 1911, and further despatches, No. 1, of 4th January, 1912, and No. 10, of 18th January, 1912,† my Ministers ask me to transmit to you a copy of the remarks of the Solicitor to Industry on the subject of Workmen's Compensation.

2. For ease of reference I also attach three copies of a recent Workmen's Compensation Act‡ that was passed in this State.

I have, &c.,

DAY H. BOSANQUET,

Governor.

Enclosure in No. 135.

RETURNED TO THE HONOURABLE THE MINISTER OF INDUSTRY.

"The Workmen's Compensation Act, 1900," and "The Workmen's Compensation Act Amendment Act, 1904," are repealed by "The Workmen's Compensation Act, 1911."

Under the Workmen's Compensation Act, 1911, if in any employment personal injury by accident arising out of, and in the course of, the employment is caused to a "workman," the employer is liable to pay compensation in accordance with the scale and conditions laid down by the Act.

A workman means a person working in connection with his employer's trade or business under a contract of service, or apprenticeship, whether expressed or implied, oral or in writing, at manual work, with certain exceptions.

1. *Seamen*.—A seaman where the injury occurs outside the territorial jurisdiction of South Australia is not a "workman" within the meaning of the Act, and consequently cannot recover compensation for an injury.

But the Act does apply in respect of an accident happening to a workman employed on a South Australian ship if the accident happens out of, and in the course of, his employment provided it happens within the State, or within the jurisdiction of the State.

2. *Reciprocity*.—The South Australian Law applies to workmen without distinction of race or nationality, and there is nothing in the Act to indicate that dependents residing outside the State are not entitled to receive compensation.

3. *Statistics*.—No provision has been made for the collection of statistics.

H. A. SHIERLAW,

Solicitor to Industry.

5th March, 1912.

* No. 133.

† No. 120, acknowledgment of No. 122 and No. 129.

‡ Act No. 1053, 1911.

(RESOLUTION XII.): DEPORTATION OF ALIENS.

23620

No. 136.

COLONIAL OFFICE to HOME OFFICE.

[Answered by No. 137.]

SIR,

Downing Street, 16 August, 1911.

WITH reference to the letter from this Office of the 25th March,* I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before Mr. Secretary Churchill, copy of a Resolution passed at the Imperial Conference on the subject of the deportation of aliens.

2. In communicating this Resolution formally to the Dominion Governments, Mr. Harcourt considers that it would be desirable that he should be in a position to state exactly what action it is desired that each Dominion Government should take in order to carry the Resolution into effect, and he will be glad, therefore, to receive any observations which Mr. Churchill may desire to offer on the matter. It may be well to refer especially to the despatch from the Governor-General of Canada of which a copy was enclosed in Colonial Office letter of the 7th of February, 1911.†

I am, &c.,

H. W. JUST.

Enclosure in No. 136.

XII.—DEPORTATION OF ALIENS.

That where aliens are deported under the law of any Dominion from one part of the Empire to another, it is desirable that some system should be devised whereby the Governments concerned may effectively co-operate in the measures necessary for the final disposal of such aliens.

30546

No. 137.

HOME OFFICE to COLONIAL OFFICE.

(Received 19 September, 1911.)

[Answered by L.F. transmitting copy of No. 138.]

SIR,

Home Office, Whitehall, 16 September, 1911.

WITH reference to your letter of the 16th ultimo,‡ enclosing a copy of a resolution passed at the Imperial Conference on the subject of the deportation of aliens, and asking for any observations which Mr. Churchill may wish to make on the question of what action it is desired that each Dominion Government should take in order to carry the resolution into effect, I am directed by Mr. Secretary Churchill to say, for Mr. Harcourt's information, that as the question of the special action to be taken by each Dominion Government in pursuance of the resolution is one of some intricacy, he would prefer not to attempt to express an opinion till he has considered the matter further. I am to suggest that it might be sufficient if, in circulating the resolution, Mr. Harcourt were to say that the Home Government will take the earliest convenient opportunity of making a further communication in the matter.

I am, &c.,

W. P. BYRNE.

* L.F. transmitting copy of No. 460 in Dominions No. 19.

† No. 136.

‡ No. 454 in Dominions No. 19.

30546

No. 138.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

[Copy to Home Office, 23 September, 1911. L.F.]

(Canada. No. 787.) (New Zealand. No. 332.)
 (Australia. No. 420.) (Newfoundland. No. 224.)
 (Union of South Africa. No. 524.)

[MY LORD], [SIR], Downing Street, 22 September, 1911.
 WITH reference to my telegram of the 4th of March,* and connected correspondence, I have the honour to transmit to [Your Excellency], [you], to be laid before your Ministers, a copy of a resolution† passed at the Imperial Conference on the subject of the deportation of aliens.

In communicating this resolution to your Ministers I shall be glad if you will inform them that His Majesty's Government will take the earliest convenient opportunity of making a further communication in regard to the action required to carry it into effect.

I have, &c.,
 L. HARCOURT.

11089

No. 139.

HOME OFFICE to COLONIAL OFFICE.

(Received April 13, 1912.)

SIR, Home Office, Whitehall, 12th April, 1912.
 I AM directed by Mr. Secretary McKenna to refer to your letter of the 21st February (30546/11),‡ on the subject of the deportation of aliens from the self-governing Dominions to the United Kingdom, and to say that Mr. McKenna postponed further communication in the matter until he had an opportunity of reviewing after the end of the year the results of the arrangement which was made early in 1911 with the Canadian Government, whereby, following the lines of the arrangement already in force with the Government of South Africa, notice is sent to the inspector under the Aliens Act of all aliens deported from Canada to ports in the United Kingdom.

The records show that during 1911, 128 aliens were so deported from Canada, and that 110 of these were removed by the shipping companies concerned from the United Kingdom. During the same period 22 aliens were deported from South Africa, and of these only two remained in this country. Mr. McKenna thinks that these figures show that the existing arrangements may be considered, on the whole, satisfactory, and he does not for the present think it necessary to ask the Dominions to take any new departure in the matter.

At the same time he regrets to notice that of the 20 deported aliens who were left in the United Kingdom eight had been deported for some form of crime, and he hopes that the co-operation which the Dominions readily offered at the Imperial Conference may be so directed in future years as to reduce still further the balance of undesirable aliens imposed upon the home country by deportation from the Dominions.

I am, &c.,
 E. BLACKWELL.

* No. 459 in Dominions No. 19.

† See Enclosure in No. 136.

‡ L.F. : Reminder.

11089

No. 140.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

[Answered by Nos. 141 and 407.]

(Canada. No. 284.) (New Zealand. No. 127.)
 (Australia. No. 179.) (Newfoundland. No. 82.)
 (Union of South Africa. No. 196.)

SIR,
 MY LORD,

Downing Street, 20 April, 1912.

WITH reference to my despatch No. [787] [420] [524] [332] [224] of the 22nd September last,* I have the honour to transmit to [Your Royal Highness] [Your Excellency] [you], to be laid before your Ministers, a copy of a letter† from the Home Office on the subject of the deportation of aliens from the self-governing Dominions to the United Kingdom.

I am, &c.,
 L. HARCOURT.

20148

No. 141.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received June 29, 1912.)

[Copy to Home Office, July 5, 1912. L.F.]

(No. 353.)

SIR,

Governor-General's Office, Cape Town, 8th June, 1912.

I HAVE the honour to transmit to you herewith, with reference to your despatch, No. 196, of the 20th April,‡ a copy of a minute from Ministers, dated June 6, 1912, on the subject of the deportation of aliens from the self-governing Dominions to the United Kingdom.

I have, &c.,
 GLADSTONE,
 Governor-General.

Enclosure in No. 141.

MINISTERS to GOVERNOR-GENERAL.

(Minute 490.)

6th June, 1912.

Ministers have the honour to acknowledge the receipt of His Excellency the Governor-General's minute, No. 48/278, of the 10th May, 1912, forwarding a copy of despatch No. 196, dated the 20th April, 1912, from the Right Honourable the Secretary of State for the Colonies, with enclosure, on the subject of the deportation of aliens from the self-governing Dominions to the United Kingdom and, in reply, state that Ministers will be pleased to co-operate and will await any further proposals which the Home Office may desire to make.

LOUIS BOTHA.

* No. 138.

† No. 139.

‡ No. 140.

(RESOLUTION XIII): BIRTHDAY OF HIS MAJESTY THE KING.

23622

No. 142.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 649.)
 (Australia. No. 339.)
 (New South Wales. No. 108.)
 (Victoria. No. 78.)
 (Queensland. No. 71.)
 (South Australia. No. 70.)

(Western Australia. No. 74.)
 (Tasmania. No. 50.)
 (Union of South Africa. No. 377.)
 (New Zealand. No. 269.)
 (Newfoundland. No. 183.)

[My Lord,] [Sir,]

Downing Street, 3 August, 1911.

WITH reference to my circular despatch of the 14th of February,* I have the honour to transmit to [Your Excellency] [you], to be laid before your Ministers, a copy of a resolution of the Imperial Conference regarding the date of the celebration throughout the British Empire of the Birthday of His Majesty King George V.

I have, &c.,

L. HARCOURT.

Enclosure in No. 142.

XIII.—BIRTHDAY OF HIS MAJESTY THE KING.

That it is desirable that the 3rd June, the Birthday of His Most Gracious Majesty King George V., shall in each succeeding year be duly honoured and celebrated throughout the British Empire, and that such measures be taken by legislation or otherwise as may be deemed necessary to give full effect to this resolution.

33020

No. 143.

NEWFOUNDLAND.

THE ACTING GOVERNOR TO THE SECRETARY OF STATE.

(Received 13 October, 1911.)

[Answered by No. 148.]

(No. 79.)

Sir,

Government House, St. John's, 28th September, 1911.

IN reply to your despatch, No. 183, of the 3rd August,† enclosing copy of resolution of the Imperial Conference regarding the date of the celebration throughout the British Empire of the birthday of His Majesty King George V., I have the honour to inform you that my Ministers fully agree with the celebration of the birthday of His Majesty; and they will, by special Proclamation each year, bring the matter to the notice of His Majesty's loyal subjects in Newfoundland.

I have, &c.,

WILLIAM H. HORWOOD.

34836

No. 144.

NEW SOUTH WALES.

THE LIEUTENANT-GOVERNOR TO THE SECRETARY OF STATE.

(Received October 28, 1911.)

[Answered by No. 149.]

(No. 102.)

Sir,

State Government House, Sydney, 23rd September, 1911.

REFERRING to your despatch of the 3rd August last, No. 108,† transmitting copy of a resolution of the Imperial Conference regarding the date of the celebration

* 521: not printed.

† No. 142.

throughout the British Empire of the birthday of His Majesty King George V., I have the honour to inform you that Ministers have invited my attention to the fact that the law in New South Wales at present provides that the anniversary of the birthday of His Majesty King George shall be celebrated as a public holiday on the Monday succeeding the day upon which it falls, unless a proclamation is issued to declare that it shall be observed on the actual date. This latter course was, in obedience to the wish of His Majesty, followed last June.

2. Ministers are not quite clear from the resolution referred to or your despatch of the 14th February last* whether the public observance of a holiday on the Monday succeeding the anniversary, and the holding of official functions on the 3rd June, would represent compliance with Imperial wishes, and, with the object of removing ambiguity in this respect, they have asked me to enquire from you whether the adoption of this procedure would fulfil requirements in this matter.

I have, &c.,
W. P. CULLEN,
Lieutenant-Governor.

(Copy not sent to Governor-General.)

33020

No. 145.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 878.)	(South Australia. No. 99.)
(Australia. No. 476.)	(Western Australia. No. 103.)
(New South Wales. No. 154.)	(Tasmania. No. 81.)
(Victoria. No. 119.)	(Union of South Africa. No. 588.)
(Queensland. No. 114.)	(New Zealand. No. 373.)

[MY LORD,] [SIR,]

Downing Street, 31 October, 1911.

WITH reference to my despatch [649] [339] [108] [78] [71] [70] [74] [50] [377] [269] of the 3rd of August,† I have the honour to transmit to [Your Royal Highness] [Your Excellency] [you], for the information of your Ministers, the accompanying copy of a despatch‡ from the Officer Administering the Government of Newfoundland on the subject of the resolution of the Imperial Conference regarding the celebration throughout the Empire of the anniversary of the birthday of His Majesty the King.

I have, &c.,
L. HARCOURT.

1478

No. 146.

TASMANIA.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received January 15, 1912.)

[Answered by No. 148.]

(No. 47.)

SIR, Government House, Hobart, Tasmania, 9th December, 1911.

WITH reference to your despatches, Nos. 50, dated 3rd August, 1911, and 81, of 31st October, 1911,§ I have the honour to inform you I am advised by the Premier that the subject referred to therein has been placed on the agenda paper at the next Conference of Premiers to be shortly held.

I have, &c.,
HARRY BARRON,
Governor.

(No copy to Governor-General.)

* 5114: not printed.

† No. 142.

‡ No. 143.

§ Nos. 142 and 145.

1955

No. 147.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received January 20, 1912.)

[Answered by No. 148.]

(No. 150.)

SIR,

Government House, Wellington, 14th December, 1911.

WITH reference to your despatch, No. 269, of the 3rd August,* transmitting copy of a resolution of the Imperial Conference regarding the date and celebration of the birthday of His Majesty the King, I have the honour to inform you that the birthday of the Sovereign has always been honoured and duly celebrated in the Dominion of New Zealand and will continue to be so. My Government states that there is no need for legislation in the matter as far as this Dominion is concerned.

I have, &c.,
ISLINGTON,
Governor.

34836

No. 148.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 12.)	(Western Australia. No. 24.)
(Australia. No. 69.)	(Tasmania. No. 20.)
(New South Wales. No. 28.)	(Union of South Africa. No. 75.)
(Victoria. No. 25.)	(New Zealand. No. 53.)
(Queensland. No. 22.)	(Newfoundland. No. 29.)
(South Australia. No. 20.)	

[SIR,]

Downing Street, 14 February, 1912.

[MY LORD,]

WITH reference to
[my despatch, No. (878) (476) (154) (119) (114) (99) (103), of the 31st October, 1911†]

[your despatch, No. 47, of the 9th December‡]

[my despatch, No. 588, of the 31st October, 1911†]

[your despatch, No. 150, of the 14th December§]

[Sir W. H. Horwood's despatch, No. 79, of the 28th September||]

I have the honour to transmit to [Your Royal Highness] [Your Excellency] [you], for the information of your Ministers, the accompanying [To New South Wales only: copy of a despatch§ from the Governor of New Zealand] [To remainder: copies of correspondence¶] on the subject of the date of celebration of His Majesty's birthday.

I have, &c.,
L. HARCOURT.

34836

No. 149.

NEW SOUTH WALES.

THE SECRETARY OF STATE to THE GOVERNOR.

(No. 29.)

MY LORD,

Downing Street, 14 February, 1912.

I HAVE the honour to acknowledge the receipt of Sir W. Cullen's despatch, No. 102, of the 23rd September,** on the subject of the date of the celebration of His Majesty's birthday.

2. In reply, I have to request that you will inform your Ministers that I have laid Sir W. Cullen's despatch before His Majesty, who has graciously signified his

* No. 142.

† No. 145.

‡ No. 146.

§ No. 147.

|| No. 143.

¶ Nos. 144, 147, 149.

** No. 144.

pleasure that his birthday may be celebrated in New South Wales on the Monday following the day upon which it falls, if that procedure is more convenient to the Government and people of the State.

I have, &c.,
L. HARCOURT.

12867

No. 150.

AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received April 27, 1912.)

[Answered by No. 152.]

(No. 44.)

SIR, Governor-General's Office, Melbourne, 21st March, 1912.
WITH reference to your despatch, dated 3rd August, 1911, No. 339,* regarding the celebration throughout the Empire of the anniversary of the birthday of His Majesty the King, I have the honour to inform you that the Commonwealth Public Service Act, 1902, Section 72 (1), provides as follows:—

"The following days or any days prescribed under the law of any State to be observed in lieu thereof in that State shall be observed as holidays in the public offices, viz.:—

"The anniversary of the birthday of the Sovereign."

In view of the desirableness of uniformity in the matter of holidays in Commonwealth and State offices, it is the practice of the Commonwealth Government to adopt in each State the day observed in the public offices of that State.

2. The wish of His Majesty conveyed in the Secretary of State's Circular letter of the 14th February, 1911,† and the text of the resolution of the Imperial Conference, 1911, on the subject were accordingly brought under the notice of the several State Governments with a view to uniform action in the matter being taken throughout Australia.

3. The question was brought up at the Conference of State Premiers and Ministers, held in Melbourne in January last, and I enclose a report of the proceedings‡ from which it will be seen that after some discussion the matter was left for decision by the individual Governments. I desire to add that no further advice on the subject has been received from any of the State Governments.

I have, &c.,
DENMAN,
Governor-General.

13805

No. 151.

SOUTH AUSTRALIA.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received May 6, 1912.)

(No. 20.)

SIR, Government House, Adelaide, 3rd April, 1912.
WITH reference to your despatch, No. 70, of the 3rd August, 1911,* I have the honour to inform you that my Ministers desire me to point out that the law of South Australia provides that should the anniversary of the birthday of His Majesty the King fall upon any other day than a Monday, it shall be celebrated as a public holiday on the Monday succeeding the day upon which it falls.

I have, &c.,
DAY H. BOSANQUET,
Governor.

* No. 142.

† 5114: not printed.

‡ Not reprinted.

13805

No. 152.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

(Australia. No. 205.)

(Canada. No. 334.)

(New South Wales. No. 63.)

(Victoria. No. 58.)

(Queensland. No. 56.)

(Western Australia. No. 53.)

(Tasmania. No. 45.)

(Union of South Africa. No. 236.)

(New Zealand. No. 144.)

(Newfoundland. No. 94.)

[SIR,] [MY LORD,]

Downing Street, 16 May, 1912.

[To Commonwealth only: WITH reference to Your Excellency's despatch, No. 44, of the 21st of March*]

[With reference to my despatch, No. (112) (28) (25) (22) (24) (20) (75) (53) (29), of the 14th of February†]

I have the honour to transmit to [Your Royal Highness] [Your Excellency], for the information of your Ministers, the accompanying copy of a despatch‡ from the Governor of South Australia on the subject of the celebration of His Majesty's birthday in that State.

[To all except Commonwealth of Australia: I have to add that I am informed by the Governor-General of the Commonwealth that it is the practice of the Commonwealth Government to adopt in each State the day observed in the public offices of that State as a holiday in the public offices of the Commonwealth Government.]

I have, &c.,
L. HARCOURT.

15445

No. 153.

VICTORIA.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received May 20, 1912.)

[Answered by No. 157.]

(No. 15.)

SIR, State Government House, Melbourne, 12th April, 1912.

WITH reference to your despatch, No. 25, of the 14th February,† and to previous correspondence respecting the observance of the birthday of His Majesty the King, I have the honour to transmit to you a copy of a memorandum on the subject which I have received from the Premier (Mr. Murray).

2. I shall be glad to receive an answer to the question contained in the last paragraph of Mr. Murray's memorandum.

I have, &c.,
JOHN FULLER.

Enclosure in No. 153.

MEMORANDUM FOR HIS EXCELLENCY THE GOVERNOR.

Premier's Office, Melbourne, 4th April, 1912.

THE Premier presents his duty to Your Excellency and, in returning herewith Colonial Office despatches of the 14th February, 1911, the 3rd August, 1911, and the 14th February, 1912, on the subject of the observance of His Majesty the King's birthday on the actual date, begs to inform Your Excellency that under the provisions of the Public and Bank Holidays Act, 1900, No. 1661, of this State (copy enclosed), it is required, *inter alia*, that whenever the anniversary of the birthday of His Majesty the King falls upon any day other than a Monday, the following Monday shall be observed instead.

Mr. Murray will be glad if Your Excellency will be pleased to ascertain whether the observance on the Monday succeeding the actual date will represent compliance

* No. 150.

† No. 148.

‡ No. 151.

with Imperial wishes, or whether the law should be amended so as to provide for the celebration taking place on the actual date of the anniversary of His Majesty's birthday.

J. MURRAY,
Premier.

Act No. 1661, Victoria.

AN ACT relating to the observance of certain Public and Bank Holidays.

[29th August, 1900.]

Be it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

Short title
Certain
holidays to
be ob-
served on
Mondays
only.
Comp. S.A.
Act No. 571
s. 3.
Holidays
to which
Act applies.

1. This Act may be cited as the Public and Bank Holidays Act, 1900.
2. Whenever pursuant to any Act any holiday to which this Act applies would fall on any day other than a Monday, then the following Monday shall be observed as a public holiday and bank holiday instead of such day, and the provisions of any Acts relating to public holidays or bank holidays shall be deemed and taken to apply to such Monday.

3. This Act shall apply to the following holidays in each and every year, namely :—

The anniversary of the birthday of Her Majesty or her successor for the time being; and

The anniversary of the birthday of His Royal Highness the Prince of Wales for the time being.

Power to
proclaim
additional
holidays.

4. The Governor in Council may by Order published in the "Government Gazette" proclaim that there shall be added to the holidays to which this Act applies the twenty-sixth day of January and the twenty-first day of April or either of them, and thereafter subject to this Act the said day or days shall in each and every year be observed as a public holiday and bank holiday.

16034

No. 154.

TASMANIA.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received May 25, 1912.)

[Answered by No. 158.]

(No. 13.)

SIR, Government House, Hobart, Tasmania, 19th April, 1912.

WITH reference to your despatches, Nos. 50, dated 3rd August, 1911, and 20, dated 14th February, 1912,* I have the honour to transmit a communication received from the Premier, referring to the celebration of the anniversary of the birthday of His Majesty King George V. in this State, asking me to enquire whether His Majesty will be graciously pleased to accede to the request contained therein.

I have, &c.,

HARRY BARRON,
Governor.

(Copy to Governor-General.)

Enclosure in No. 154.

YOUR EXCELLENCY,

Premier's Office, Hobart, 12th April, 1912.

REFERRING to the accompanying despatches, No. 50, of the 30th August, 1911, and No. 20, of the 14th February last, received from the Right Honourable the

* Nos. 142 and 148.

Secretary of State for the Colonies, on the subject of the date of the celebration of His Majesty's birthday in Tasmania, I have the honour to inform Your Excellency that in this State it is provided by statute that when His Majesty's birthday falls upon any day other than a Monday it is then celebrated on the Monday following.

2. This has been found to be a great convenience to the public, and I would suggest that Your Excellency enquire whether His Majesty will be graciously pleased to allow this practice to continue, and to accord to this State the same privilege as has been already accorded to the State of New South Wales (*vide* Mr. Harcourt's despatch to Lord Chelmsford dated 14th February last*).

3. Seeing that this year His Majesty's birthday falls upon a Monday, there is ample time, before the date when the celebration shall take place next year and in succeeding years has to be determined, to give further consideration to the question, and to review our legislation, if necessary.

N. E. LEWIS,
Premier.

16030

No. 155.

WESTERN AUSTRALIA.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received May 25, 1912.)

[Answered by No. 159.]

(No. 16.)

SIR,

Government House, Perth, Western Australia, 26th April, 1912.

WITH reference to your despatch, No. 24, of the 14th February, 1912,† I have the honour to report that my Ministers have found it impossible to arrive at uniformity on the question of celebrating His Majesty's birthday on the actual date, and have decided to act upon the lines adopted by the Government of New South Wales, viz., to celebrate the birthday of the Sovereign on the Monday following the date upon which it falls.

I have, &c.,

G. STRICKLAND,
Governor.

(Copy to Governor-General.)

16184

No. 156.

WESTERN AUSTRALIA.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received May 25, 1912.)

[Answered by No. 159.]

(Confidential.)

Government House, Perth, Western Australia,

26th April, 1912.

SIR,

WITH reference to my despatch, No. 16, of this date,‡ I beg leave to add that the question of the date of the celebration of His Majesty's Birthday was discussed at the recent Conference of Premiers at Melbourne, and that in view of the difficulties or impossibility, in the opinion of the Premiers, of the adoption of any uniform rule, it was decided that each State should be left to take independent action.

2. There is no doubt that the population of this State is in a marked degree more democratic than that of any other, and I would consider it indiscreet as well as useless to place further pressure on Labour Ministers to induce them to adopt Resolution XIII. of the Imperial Conference.

* No. 149.

† No. 148.

‡ No. 155.

3. The question is nevertheless one which might be reopened with better prospects of success when the time comes for a change of Ministry in the more or less distant future.

I have, &c.,
G. STRICKLAND,
Governor.

(Copy to Governor-General.)

15445

No. 157.

VICTORIA.

THE SECRETARY OF STATE to THE GOVERNOR.

(No. 69.)

SIR,

Downing Street, 30 May, 1912.

I HAVE the honour to acknowledge the receipt of your despatch, No. 15, of the 12th April,* forwarding a copy of a memorandum from the Premier of Victoria, on the subject of the observance of the birthday of His Majesty the King.

I request that you will inform the Premier that His Majesty has no objection to the following Monday being adopted for the observance of the anniversary of his birthday whenever it falls upon any other day than a Monday.

I have, &c.,
L. HARCOURT.

16034

No. 158.

TASMANIA.

THE SECRETARY OF STATE to THE GOVERNOR.

(No. 54.)

SIR,

Downing Street, 5 June, 1912.

I HAVE the honour to acknowledge the receipt of your despatch, No. 13, of the 19th of April,† on the subject of the date of the celebration of the anniversary of His Majesty's Birthday in Tasmania.

2. In reply I have to request that you will inform your Ministers that His Majesty has no objection to the practice by which when His Majesty's Birthday falls upon any day other than a Monday it is celebrated on the following Monday.

I have, &c.,
L. HARCOURT.

16184

No. 159.

WESTERN AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR.

(Confidential.)

SIR,

Downing Street, 5 June, 1912.

I HAVE the honour to acknowledge the receipt of your despatch, No. 16, and of your confidential despatch of the 26th of April,‡ on the subject of the date of the celebration of His Majesty's birthday.

2. In reply, I have to inform you that His Majesty sees no objection to the practice by which his birthday is celebrated on the following Monday in cases where it does not actually fall on a Monday, and it is not therefore necessary that the question should be revived in future.

I have, &c.,
L. HARCOURT.

* No. 153.

† No. 154.

‡ Nos. 155 and 156.

14.

(RESOLUTIONS XIV. & XV.): CHEAPER CABLE RATES; STATE-OWNED ATLANTIC CABLE.

23624

No. 160.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 645.)

(New Zealand. No. 268.)

(Australia. No. 338.)

(Newfoundland. No. 182.)

(Union of South Africa. No. 374.)

[MY LORD] [SIR,]

Downing Street, 2 August, 1911.

WITH reference to my despatch, No. [143] [100] [105] [74] [39], of the 2nd of March,* I have the honour to transmit to you, to be laid before your Ministers, copies of two resolutions passed by the Imperial Conference, relative to the questions of the reduction of cable rates throughout the Empire and the laying of a State-owned cable between England and Canada.

I have to observe that the views of His Majesty's Government on these questions were made sufficiently clear by the Postmaster-General in the course of the Conference discussions.

I have, &c.,
L. HARCOURT.

Enclosure in No. 160.

XIV.—CHEAPER CABLE RATES.

That, in view of the social and commercial advantages which would result from increased facilities for intercommunication between her dependencies and Great Britain, it is desirable that all possible means be taken to secure a reduction in cable rates throughout the Empire.

XV.—STATE-OWNED ATLANTIC CABLE.

That, in the event of considerable reductions in trans-Atlantic cable rates not being effected in the near future, it is desirable that the laying of a State-owned cable between England and Canada be considered by a subsidiary Conference.

23624

No. 161.

COLONIAL OFFICE to GENERAL POST OFFICE AND BOARD OF TRADE.

SIR,

Downing Street, 2 August, 1911.

WITH reference to [the letter from this Department of the 6th March† and previous correspondence] [previous correspondence], I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the [Postmaster-General] [Board of Trade], copies of two resolutions‡ passed by the Imperial Conference relative to the questions of the reduction of cable rates throughout the Empire, and the laying of a State-owned cable between England and Canada.

I am, &c.,
C. P. LUCAS.

* Nos. 276 and 277 in Dominions No. 19.

† L.F. transmitting copies of Nos. 276 and 277 in Dominions No. 19.

‡ Enclosure in No. 160.

38875

No. 162.

GENERAL POST OFFICE to COLONIAL OFFICE.

(Received December 2, 1911.)

[Answered by No. 164.]

(Confidential.)

SIR,

General Post Office, 18 November, 1911.

WITH reference to the discussions at the Imperial Conference in regard to the reduction of rates for British oversea telegrams, I am directed by the Postmaster-General to say, for the information of the Secretary of State, that he expects shortly to be in a position to announce a date for the introduction of the scheme for the acceptance of plain language telegrams at half the existing rates of charge.

These proposals have been accepted by the British and American Cable Companies, but it will be necessary, in order that full effect may be given to them, that the various oversea dominions possessing telegraph systems of their own should accept the arrangement and reduce by one-half the charges accruing to them for the transit of the telegrams over their lines.

The scheme was originally suggested by the Postmaster-General of Australia and has been strongly supported by the Prime Minister of New Zealand. The Indian Administration has accepted the proposals and they were favourably regarded by Mr. Lemieux, to whom they were communicated when he was Postmaster-General of Canada. With these exceptions, the scheme has not, so far as the Postmaster-General is aware, yet been communicated to the dominions.

It is hoped that arrangements can be made for bringing the scheme into force at the beginning of next year. It is very desirable that it should be widely adopted at the outset; and, as the time for consideration is rather short, the Postmaster-General would propose to telegraph to the other dominions as soon as a definite date for the introduction of the scheme has been fixed.

The dominions, other than those mentioned above, possessing telegraph systems of their own, are, it is understood, the following:—

Ceylon.
East Africa and Uganda.
Fiji Islands.
Gold Coast.
Guiana (British).
Jamaica.
Lagos.
Mauritius.
Newfoundland.
Nigeria, Northern.
" Southern.
Rhodesia.
Sierra Leone.
Somaliland (British).
South Africa.
Straits Settlements and Federated and Protected Malay States.
Trinidad and Tobago.

It is presumed that the communication in respect of British North Borneo should be addressed to the British North Borneo Company in London, and in that case, a telegram will, of course, be unnecessary.

A copy of the proposed telegram is enclosed and the Postmaster-General would be glad to know whether the Secretary of State would prefer that the communications to these dominions, or to any of them, should be made by the Colonial Office rather than the Post Office. If so he will furnish a memorandum of the points which he would suggest should be mentioned in the letter confirming the telegram. This letter would be accompanied by regulations* for the working of the service, of which a copy is enclosed.

The Postmaster-General proposes to send a special communication to Australia, New Zealand, and Canada.

It will be seen from the Regulations that the scheme is intended to be of universal application to extra-European telegrams, except those exchanged between two extra-European countries where the rate is less than 1 franc a word.

* Not printed.

The proposals having already been communicated to and approved by the French and German Administrations, the Postmaster-General is now in communication with other foreign Administrations on the subject, and he hopes to give all the countries of the Telegraph Union an opportunity of joining the arrangement before it comes into operation.

As indicated, the matter is urgent and the Postmaster-General will be glad of an early reply.

I am, &c.,
A. F. KING.

Enclosure in No. 162.

DRAFT TELEGRAM to BRITISH EXTRA-EUROPEAN DOMINIONS.

There has been a strong movement in the United Kingdom and in the dominions in favour of a reform of the tariff for oversea telegrams which will place users of plain language more nearly on an equality with users of code language. The Telegraph Convention affords great facilities for compression and consequent economy by use of codes, but many persons unable to avail themselves of these have to telegraph in plain language and the high rates of charge are a heavy burden for them.

Scheme has been proposed for accepting extra-European plain language telegrams at half present charges, on condition that they may be deferred if necessary for not more than twenty-four hours. This scheme has been accepted by the Post Office and the British Cable Companies, and will come into force early next year in service with such British dominions and foreign countries as accept it and reduce the charges for these telegrams by one half.

Letter giving full details is being sent to you, and Postmaster-General hopes that matter can receive your immediate attention so that scheme may be introduced as widely as possible at outset.

Secretary,
Post Office.

38875

No. 163.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL OF CANADA, AUSTRALIA, AND THE UNION OF SOUTH AFRICA, AND THE GOVERNORS OF NEW ZEALAND AND NEWFOUNDLAND.

(Sent 4.30 p.m., 4th December, 1911.)

TELEGRAM.

[Answered by Nos. 165, 167, 172, 175, and 176.]

With reference to proposals of Postmaster-General for reduction of cable rates—see pages 285, 286 of Proceedings of Imperial Conference—he has arranged scheme for accepting extra-European plain language telegrams at half present rates on condition that they may be deferred, if necessary, for not more than twenty-four hours. This scheme has been accepted by British Cable Companies, and will come into force, it is hoped, on 1st January in service with those British Possessions and foreign countries which desire to accept it, and which will reduce charges made by them in respect of such telegrams by one-half.

Despatch† follows by mail with details.

Please telegraph as soon as possible whether your Ministers accept this proposal and will introduce similar rates from 1st January for telegrams to the United Kingdom.—HARCOURT.

39107

No. 164.

COLONIAL OFFICE to GENERAL POST OFFICE.

Downing Street, 6 December, 1911.

SIR,

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letters of the 18th of November and the 4th of December,‡ and in reply to transmit to you, for the information of the Postmaster-General, copy of a telegram§ addressed

* [Cd. 5745], July, 1911. † No. 166. ‡ No. 162; and 39107: not printed. § No. 163.

to the Governors-General of Canada, the Commonwealth of Australia, and the Union of South Africa, and to the Governors of New Zealand and Newfoundland on the subject of the reduction of rates for plain language telegrams.

2. I am to add that copies of the conditions of the service enclosed in your letter of the 4th of December are being sent by this week's mail to those Governments.

3. Mr. Harcourt regrets that the original of your letter of the 18th of November cannot be traced in this Department, and that action was accordingly delayed until a duplicate was obtained semi-officially on the 2nd instant.

4. A separate letter will be addressed to you in regard to the Crown Colonies and Protectorates referred to in your letter of the 18th November.

I am, &c.,

HENRY LAMBERT,

for the Under-Secretary of State.

39300

No. 165.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 10.55 a.m., 7th December, 1911.)

TELEGRAM.

Your telegram of 4th December.* My Government agree to proposals for accepting extra-European plain language telegrams at half present rates on condition that they may be deferred, if necessary, for not more than twenty-four hours. Similar rates will be introduced in New Zealand from 1st January next for telegrams to the United Kingdom.—ISLINGTON.

39107

No. 166.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

[Answered by No. 179.]

(Canada. No. 961.)

(New Zealand. No. 396.)

(Australia. No. 522.)

(Newfoundland. No. 275.)

(Union of South Africa. No. 634.)

MY LORD,

SIR,

Downing Street, 7 December, 1911.

WITH reference to my telegram of the 4th December,* I have the honour to transmit to [Your Royal Highness] [Your Excellency] [you], for the information of your Ministers, the accompanying copy of the conditions of the proposed service of deferred plain language telegrams at reduced rates.

I have, &c.,

L. HARCOURT.

Enclosure in No. 166.

DEFERRED TELEGRAMS AT REDUCED RATES.

1. The sender of a private telegram in the Extra-European service may obtain the benefit of a reduction of 50 per cent. in the charge on condition that the telegram is written in plain language, as defined hereafter, and that it is not transmitted until after telegrams charged for at the full rate.

Form and handing in.

2. *Declaration by sender.*—The sender must sign, when handing in the telegram, a declaration giving a formal assurance that the text is entirely in plain language, and that it does not bear any meaning other than that which appears on the face of it. The declaration must specify the language in which the telegram is written.

3. *Supplementary instructions.*—The sender of a deferred telegram at reduced rates must insert before the address the supplementary instruction L C completed as

* No. 163.

is laid down in paragraph 4. This instruction is counted in the number of words charged for.

4. *Form.*—The text of deferred telegrams must be written entirely in plain language, and must not contain any figures, commercial marks, groups of letters or signs of punctuation or abbreviated expressions (Article VII. of International Regulations). Any telegram containing a succession of isolated letters, of numbers, of names or of words without connected meaning, and, generally, any telegram which does not in the opinion of the telegraph service bear an intelligible meaning on the face of it, is not admitted to the benefit of the reduced rate. Registered addresses are accepted if accompanied by a text which makes their nature clear. Numbers must be written in words.

Telegrams without text are not admitted.

Telegrams at reduced rates must be written in French or in one of the languages of the country of origin or destination specified by the Administrations concerned and authorised for international telegraphic correspondence in plain language. According as the language employed is French, a language of the country of origin, or a language of the country of destination, the supplementary instruction L C is completed and becomes L C F, L C O, or L C D. The use of two or more languages in the same telegram is not allowed.

The wording of the address and the signature of these telegrams is governed by the rules in force for ordinary telegrams.

5. *Counting of words.*—The words in the address, in the text, and in the signature are counted according to the rules in force for ordinary telegrams.

Rates and charges.

6. *Régime.*—Deferred telegrams at reduced rates are admitted in the service between countries in the European régime and countries in the Extra-European régime (including Senegal). As regards the service between countries in the Extra-European régime (including Senegal), except by special arrangement to the contrary, deferred telegrams are only admitted if the charge for ordinary telegrams is not less than 1 franc per word.

7. *Rates.*—The terminal and land and submarine cable transit rates in the case of deferred telegrams are reduced uniformly by 50 per cent.

When a deferred telegram is diverted in consequence of an interruption of route, the rates which are shared *pro rata* are half those which would accrue to the different Administrations for a telegram charged for at the full rate if it were similarly diverted.

8. *Application of full ordinary rate to irregular telegrams.*—The Telegraph Administrations reserve the right to refuse at the reduced rate any telegram which in their opinion is not in accordance with the foregoing conditions.

When the delivery office observes that a telegram bearing one of the supplementary instructions L C F or L C D does not comply with these conditions, the telegram is treated in the same way as one containing irregular combinations.

9. *Order of transmission.*—Deferred telegrams are only transmitted after non-urgent private telegrams and press telegrams. Those which have not reached their destination within a period of twenty-four hours from the time of handing in are transmitted in turn with telegrams charged for at the full rate.

10. *Delivery.*—Telegrams at reduced rates are delivered in turn with telegrams at full rates.

11. *Special services.*—Telegrams at reduced rates may bear any of the supplementary instructions except that relating to urgency. The rates applicable to the various special services desired by the sender of a deferred telegram (paid service telegrams conditions of delivery, R. P. T. C., &c.), are the same as in the case of ordinary telegrams. The corresponding supplementary instructions are charged for at the reduced rate. Telegraph money orders and maritime telegrams are not admitted at the reduced rate.

12. *Reimbursement.*—The period for reimbursement on account of delay in the case of a deferred telegram is in every case fixed at three times twenty-four hours.

13. *Accounts.*—The accounts are drawn up in accordance with the conditions set forth in Article LXXVI. of the International Regulations, each word in a deferred telegram being counted as half a word.

14. *General conditions.*—Telegrams at reduced rates are subject to all the conditions of the International Regulations which do not conflict with the foregoing conditions.

39385

No. 167.

AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.55 a.m., 8th December, 1911.)

TELEGRAM.

[Answered by No. 171.]

Your telegram 4th December,* cable rates. Government of Commonwealth of Australia approves proposal as far as Commonwealth is concerned. Date of commencement of scheme in Australia will be subject to receipt by Government of Commonwealth of Australia of full details, and Ministers will be glad if these can be forwarded by telegram together with definite information as to the countries to which the reduced rate applies and the routes.—DENMAN.

39385

No. 168.

COLONIAL OFFICE to GENERAL POST OFFICE.

[Answered by No. 170.]

SIR,

Downing Street, 8 December, 1911.

WITH reference to the letter from this Office of the 6th of December,† I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Postmaster-General, copies of telegrams‡ from the Governor-General of the Commonwealth of Australia and the Governor of New Zealand on the subject of reduced rates for telegrams in plain language.

2. Mr. Harcourt will be glad to learn what reply should be returned to Lord Denman's telegram.

I am, &c.,

H. W. JUST.

38531

No. 169.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

[Copy to General Post Office, December 11, 1911. L.F.]

(Canada. No. 962.)

(New Zealand. No. 398.)

(Australia. No. 527.)

(Newfoundland. No. 277.)

(Union of South Africa. No. 635.)

MY LORD,

SIR,

Downing Street, 8 December, 1911.

WITH reference to my despatch, No. [961] [522] [634] [396] [275], of the 7th of December,§ I have the honour to transmit to [your Royal Highness] [your Excellency] [you], for the information of your Ministers, the accompanying copy of a statement made by the Postmaster-General in the House of Commons on the 5th of December with regard to reductions in telegraph rates.

I have, &c.,

L. HARCOURT.

Enclosure in No. 169.

OFFICIAL REPORT.

House of Commons, 5th December, 1911.

MR. HERBERT SAMUEL: A strong desire was expressed by the Dominion representatives at the Imperial Conference for the cheaper transmission of press cable-

* No. 163.

† No. 164.

‡ Nos. 167 and 165.

§ No. 166.

grams between the various portions of the Empire. With this desire His Majesty's Government are in cordial sympathy, regarding the easy communication of information of common interest as of prime importance in strengthening the cohesion of the Empire. I have been in correspondence with the Western Union Telegraph Company of the United States in connection with the leasing by that company of the cables of the Anglo-American Telegraph Company and of the Direct United States Company. The cables of the Atlantic companies are fully employed during a few hours of the day, but less fully during the remaining hours. I am glad to be able to announce that in view of this fact, the three companies referred to have consented to accept press messages which are not of an urgent character, and which may be postponed to the more urgent traffic, at one-half of the present rates. For the present the deferment may be less, but will not be more, than 19 hours reckoned from the clock time of acceptance in the country of origin to the clock time of delivery in the country of destination, except that, if the cables are congested, some further delay may be unavoidable. I have also obtained the consent of the Pacific Cable Board and of the Australian Government to a similar reduction in their charges for press messages of this class. The tariff of the New Zealand Government was already very low, and a further diminution was not asked. The effect will be that the rates for these deferred press telegrams between the United Kingdom on the one hand and Canada, as well as the United States, on the other, will be 2½d. a word instead of 5d. as now; and between the United Kingdom and Australia and New Zealand the rate will be 4½d. a word instead of 9d. I am in communication with the Commercial Cable Company also on this question. I regret that I have not yet been able to arrange for a similar reduction in cablegrams to and from India and South Africa, but the Eastern Telegraph Company has consented to carry the Australasian cablegrams at the reduced rate in the event of interruption to the Pacific cable. The service will come into full operation on the 15th instant, but the Western Union, Anglo-American, and Direct United States Companies will be prepared to accept the press telegrams at the reduced rates at their own offices on and from to-morrow. The Western Union Company proposes also, of its own initiative, to establish at once for the use of the public a system of so-called "night letters" and "week-end letters" between this country and places in Canada and the United States. These will be plain language cablegrams carried at largely reduced rates. "Night letters" will be delivered on the morning of the second day after they are handed in. The charge per word will be rather more than quarter the usual rate, with a minimum of 6s. for 20 words or less. The "week-end letters" will be accepted on or before Saturdays for delivery on the following Tuesdays. The charge per word will be about one-fifth of the present rate, with a minimum of 6s. for 30 words or less. On and from the 15th instant the Post Office will receive these messages and co-operate in forwarding them by post or telegraph, according to rules which will be announced. For the present, press telegrams at the reduced rates and the new letter telegrams will be sent by the cables of the Western Union Telegraph Company and the two allied companies which I have already mentioned, and, so far as North America is concerned, can only be sent to places on the Western Union Company's system. I am glad to say also that the negotiations which have been proceeding for some time with the cable companies for reducing by one-half the rates for plain language non-urgent cablegrams between the United Kingdom, India, the Dominions, the Crown Colonies, and the United States, have proved successful; and the new arrangements will take effect on the 1st of January next. I anticipate that the concurrence of certain foreign administrations will soon be obtained, and that the scheme will shortly be extended to many other parts of the world. Under the new regulations of the Telegraph Convention the use of codes has been largely extended and code telegrams can be sent cheaply. I hope that the new tariffs will be of service to the senders of press and private messages in plain language, which are not of an urgent character, with respect to which the existing rates press heavily. No appreciable cost will fall upon the Treasury through these charges.

Cheap Inland Night Telegrams.

I would add that I propose also to introduce experimentally the system of cheap night telegrams into this country, so as to make fuller use of the telegraph system during hours when it is now idle. The public are likely to use such a facility only to distant places, as the post will naturally be preferred where it is equally serviceable. At the outset the system will be tried between London and Aberdeen and between

London and Belfast. The charge will be 6d. for 36 words and 1d. for every three words thereafter. The telegrams will be accepted up to midnight at the head offices and will be delivered with the first morning delivery of letters. If the system is found to be of use to the public it will be extended to other places.

39752

No. 170.

GENERAL POST OFFICE to COLONIAL OFFICE.

(Received December 12, 1911.)

[Answered by L.F. transmitting copy of No. 171.]

SIR,

General Post Office, December 11, 1911.

In reply to your letter of the 8th instant, No. 39385/1911,* I am directed by the Postmaster-General to say, for the information of the Secretary of State for the Colonies, that until replies have been received from all the British Possessions, it cannot be stated definitely with what countries and by which routes the scheme for half rate telegrams in plain language will be put into operation at the outset.

The Postmaster-General would suggest that the reply to the Governor-General of Australia should be in the following sense:—

"Arrangements [See No. 171] European countries."

I am, &c.,
E. CRABB.

39752

No. 171.

AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 6.15 p.m., 12th December, 1911.)

TELEGRAM.

[Copy to General Post Office, 18 December, 1911. L.F.]

[Answered by 41065: not printed.]

Your telegram 8th December.† Arrangements for introduction of half rates scheme on 1st January next apply to service to and from United Kingdom by Pacific and Eastern routes. Scheme can also be introduced on that date between Australia and Canada and United States and Australia and India. Introduction between Australia and New Zealand matter for special arrangement between two Governments and Pacific Cable Board. Will telegraph later as regards service between Australia and other British Dominions.

Full details of conditions of acceptance, &c., can be obtained from Pacific Cable Manager at Sydney.

Postmaster-General anticipates early concurrence of at any rate principal European countries.—HARCOURT.

40130

No. 172.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.10 p.m., 14th December, 1911.)

TELEGRAM.

[Copy to General Post Office, 18 December, 1911. L.F.]

14th December. Your telegram of 4th December.‡ Ministers are prepared to adopt proposed reduction of rates for deferred plain language cablegrams exchanged between United Kingdom and South Africa as from 1st January next.—GLADSTONE.

* No. 168.

† No. 167.

‡ No. 163.

40130

No. 173.

AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 4.45 p.m., 18th December, 1911.)

TELEGRAM.

[Copy to General Post Office, 20 December, 1911. L.F.]

[Answered by 41065: not printed.]

My telegram of 4th December and my telegram 12th December,* cable rates. New Zealand and Union of South Africa have accepted principle as regards telegrams to and from United Kingdom, and it is desired to inaugurate system on 1st January for all Dominions. Hope to have early intimation of decision of your Ministers.—HARCOURT.

40130

No. 174.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL OF CANADA AND THE GOVERNOR OF NEWFOUNDLAND.

(Sent 4.45 p.m., 18th December, 1911.)

TELEGRAM.

[Copy to General Post Office, 20 December, 1911. L.F.]

[Answered by Nos. 175 and 176.]

Postmaster-General very anxious for reply to my telegram, 4th December,† cable rates. New Zealand and Union of South Africa have accepted arrangement for rates with United Kingdom.—HARCOURT.

40864

No. 175.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.40 p.m., 21 December, 1911.)

TELEGRAM.

[Copy to General Post Office, 22 December, 1911. L.F.]

Your telegram 4th December,† reduction of cable rates. Government of Canada state that as cables are under control of private companies the concurrence of the Government of Canada is not necessary, but they desire to express their satisfaction on account of the success attending their representation on this subject.—ARTHUR.

41313

No. 176.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 7.30 p.m., 26 December, 1911.)

TELEGRAM.

[Copy to General Post Office, 27 December, 1911. L.F.]

Your telegram 4th December,† reduction of rates of telegrams to United Kingdom. My Government are bound by agreement with Commercial Cable Company and only now have received from them their views as to matter which all are too long to telegraph but will be sent by first mail.—WILLIAMS.

* Nos. 163 and 171.

† No. 163.

No. 177.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received January 6, 1912.)

[Copy to General Post Office, January 16, 1912. L.F.]

(No. 935.)

SIR, Governor-General's Office, Pretoria, 18 December, 1911.
I HAVE the honour to transmit to you herewith, with reference to my telegram of the 14th December,* a Minute from Ministers, dated December 14, 1911, on the subject of the reduction of cable rates between the United Kingdom and the Union of South Africa.

I have, &c.,
GLADSTONE,
Governor-General.

Enclosure in No. 177.

(Minute. No. 1452.)

14 December, 1911.

With reference to His Excellency the Governor-General's Minute, No. 43/133, of the 5th instant, Ministers have the honour to state that the Government of the Union of South Africa is prepared to adopt the proposed reduction of rates for deferred plain-language cablegrams exchanged between the United Kingdom and South Africa, such reduction to come into force on the 1st January next, and to request that the Right Honourable the Secretary of State for the Colonies may be informed to that effect by cablegram.

J. B. M. HERTZOG.

590

No. 178.

NEWFOUNDLAND.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received January 6, 1912.)

[Copy to General Post Office, January 16, 1912. L.F.]

(No. 114.)

SIR, Government House, St. John's, 26th December, 1911.
REFERRING to my telegram of to-day's date,† on the subject of a reduction in the rate of telegrams to the United Kingdom, I have the honour to transmit herewith a copy of the correspondence that has taken place on the subject.

I have, &c.,
RALPH WILLIAMS.

Enclosure in No. 178.

Prime Minister's Office, St. John's, Newfoundland,
21st December, 1911.

HIS EXCELLENCY THE GOVERNOR,
I AM now in a position to reply fully to your communication of December 5th, relating to the despatch from the Secretary of State for the Colonies respecting the reduction in the rate of telegrams to the United Kingdom, of date December 4th, copy of which you forwarded me.

You will notice that the Secretary of State asks whether Ministers are prepared to accept the proposal as regards the reduction of cable rates.

Ministers were always ready and willing to accept this reduction, but it was necessary to open up communication with the Commercial Cable Company, whose head office is at New York, and in conjunction with whom this Government works its only cable to Canso, under an agreement bearing date the 26th August, 1905,

* No. 172.

† No. 176.

confirmed by Chapter 10, 6 Edward VII., which Your Excellency will find by reference to the bound Legislative Acts for 1906, which I forwarded you in connection with my communication of the 15th instant, in relation to wireless telegraph agreements.

It was only yesterday that the matter was finalized by the Commercial Cable Company and ourselves, and I now beg to enclose you letter of this day's date from the Honourable the Colonial Secretary, which embodies the terms upon which the reduced rates will be accepted by the Commercial Cable Company.

Of course, as Your Excellency is aware, we have nothing whatever to do with the Anglo-American Telegraph Company, and can in no way control their rates.

I enclose you copy of the published rates of the Anglo-American Telegraph Company.

E. P. MORRIS,
Prime Minister.

Colonial Secretary's Office, St. John's, Newfoundland,

December 21, 1911.

DEAR SIR EDWARD,

I HAVE the honour to state hereunder the terms and conditions upon which messages for Great Britain and Ireland will be accepted at reduced rates under the arrangement between the Government and the Commercial Cable Company as approved at last night's meeting of the Committee of the Executive Council, viz.:-

- (1) On and after January 1st, 1912, the Company will transmit, subject to the conditions of acceptance, messages written in plain language at a reduction of 50 per cent. from the charges for an ordinary message.
- (2) The messages must be written in French, or in the language of the country of origin, or in the language of the country of destination; the sender must declare which of these languages is used; the sender must write before the address and pay the charge on one word for the letters LCF, LCO, or LCD, according to his declaration. This is a stipulation of the European Governments.
- (3) The message must have an address and a text, a signature is optional with the sender, but the Company will not be able to make unpaid enquiries about the senders of unsigned messages.
- (4) The address may be a cable address, house and street numbers may be expressed in figures.
- (5) The text must be written entirely in plain language without figures, commercial marks, groups of letters, abbreviations or mutilations. Numbers, except in the address, must be written in words; genuine words, spelled according to established usage, with not more than fifteen letters, will be charged as single words.
- (6) Messages written in the manner prescribed will be counted and charged according to the international regulations.
- (7) The messages will not be subjected to artificial delay in transmission or delivery: their transmission will only be delayed until full-rate messages have been despatched, and not more than twenty-four hours.
- (8) Under these provisions a cable message of four chargeable words may be sent for a minimum charge of 50 cents, eight words for one dollar, and twelve words for a dollar and a half.
- (9) Until further notice only messages for Great Britain and Ireland can be transmitted at the reduced rate, but we hope to announce extensions to other countries shortly.

I have notified the Postmaster-General to advise the Commercial Cable Company officially of the acceptance of this arrangement by the Government, and I have also asked him to advertise the terms and conditions under which the reduction is made, for the information of the public.

Yours faithfully,
R. WATSON,

Right Honourable Sir E. P. Morris,
Prime Minister.

Colonial Secretary.

7979

No. 179.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received March 16, 1912.)

[Copy to General Post Office, March 22, 1912. L.F.]

(No. 20.)

SIR,

Wellington, 9th February, 1912.

I HAVE the honour to acknowledge the receipt of your despatch, No. 396, of the 7th December last,* transmitting copy of the conditions of the proposed service of deferred plain language telegrams at reduced rates. My Ministers inform me that these conditions have been embodied in the Regulations of the Post and Telegraph Department of New Zealand.

I have, &c.,
ISLINGTON,
Governor.

9977

No. 180.

AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.15 a.m., 1st April, 1912.)

TELEGRAM.

[Answered by No. 181.]

Referring to Resolution XV., Imperial Conference, 1911, State-owned Atlantic Cable. Would be glad if you would inform me by telegram whether any negotiations have taken place with the Atlantic Companies regarding reduced rates for ordinary business, and, if so, with what result.—DENMAN.

10907

No. 181.

AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 5.20 p.m., 13th April, 1912.)

TELEGRAM.

[Copy to General Post Office, 20 April, 1912. L.F.]

Your telegram 1st April.† Your Ministers will have learnt from my despatch 8th December, No. 527,‡ important reductions in deferred plain message telegrams and press telegrams. Postmaster-General does not regard these reductions as final, but cannot see way at present to demand further reductions. Am sending by mail full statement in Parliament on the subject.—HARCOURT.

10907

No. 182.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

((1) Canada. No. 279.)

((4) New Zealand. No. 120.)

((2) Australia. No. 175.)

((5) Newfoundland. No. 76.)

((3) Union of South Africa. No. 191.)

SIR,

MY LORD,

Downing Street, 19 April, 1912.

WITH reference to

[(1) my despatch, No. 645, of the 2nd August last,§ and to Your Royal Highness's telegram of the 21st December last,||]

[(2) my telegram of the 13th instant,¶]

[(3) my despatch, No. 374, of the 2nd August last,§ and to Your Excellency's despatch, No. 935, of the 18th December last,**]

* No. 166. † No. 180. ‡ No. 169. § No. 160. || No. 175. ¶ No. 181. ** No. 177.

[(4) my despatch, No. 268, of the 2nd August last,* and to your despatch, No. 20, of the 9th of February,†]

[(5) my despatch, No. 182, of the 2nd August last,* and to your despatch, No. 114, of the 26th December last,‡]

I have the honour to transmit to [Your Excellency] [you], for the information of your Ministers, a copy of a statement (pages 1200 *et seq.* of Imperial Hansard§) made by the Postmaster-General in the House of Commons on the 3rd instant regarding the question of the reduction of cable rates and the advisability of the construction of a State-owned Atlantic cable.

I have, &c.,
L. HARCOURT.

PACIFIC CABLE BETWEEN AUSTRALIA AND NEW ZEALAND.

19255

No. 183.

TREASURY to COLONIAL OFFICE.

(Received 13 June, 1911.)

SIR,

Treasury Chambers, 12th June, 1911.

WITH reference to Mr. Just's letter of the 29th April last (13276/1911)|| and previous correspondence, on the subject of the proposed cable between Australia and New Zealand, I am directed by the Lords Commissioners of His Majesty's Treasury to transmit herewith, for the information of Mr. Secretary Harcourt, copy of a letter of the 7th instant, which they have caused to be addressed to the chairman of the Pacific Cable Board.

I am, &c.,
G. H. MURRAY.

Enclosure in No. 183.

Treasury Chambers, 7th June, 1911.

SIR,

I HAVE laid before the Lords Commissioners of His Majesty's Treasury your letter of the 16th ultimo, further respecting the proposal to lay a cable between Australia and New Zealand, and I am to state in reply that schemes are now under consideration for a wide extension of the system of wireless telegraphy; and, in these circumstances, my Lords cannot contemplate the introduction of legislation to enable the Pacific Cable Board to lay a new cable.

I am, &c.,
G. H. MURRAY.

The Chairman,
Pacific Cable Board.

25276

No. 184.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 682.)

(New Zealand. No. 285.)

(Australia. No. 358.)

(Newfoundland. No. 188.)

(Union of South Africa. No. 430.)

[MY LORD] [SIR,]

Downing Street, 17 August, 1911.

I HAVE the honour to request you to draw the attention of [Your Excellency's] [your] Ministers to pages 289-290 of the Proceedings of the Imperial Conference, 1911 (published in [Cd. 5745]), with reference to the proposed laying of a new cable between Australia and New Zealand.

In accordance with the undertaking given on behalf of His Majesty's Government this question has received further consideration, and I enclose, for communication to your Ministers, the draft of a Bill¶ which has been introduced into the Imperial Parliament to enable the Pacific Cable Board to apply monies out of their reserve fund, subject to certain conditions, to the construction of the cable in question and to other extensions, &c., which, in the opinion of the contributing

* No. 160. † No. 179. ‡ No. 178. § Hansard, Vol. 36, No. 36.
|| No. 287 in Dominions No. 19. ¶ See enclosure in No. 185.

Governments, are necessary or expedient for the improvement of their undertaking.

I have, &c.,
L. HARCOURT.

427

No. 185.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 24.)
(Australia. No. 17.)
(Union of South Africa. No. 19.)

(New Zealand. No. 14.)
(Newfoundland. No. 12.)

SIR,

MY LORD,

Downing Street, January 12, 1912.

WITH reference to my despatch, No. [682] [358] [430] [285] [188], of the 17th August,* I have the honour to transmit to [Your Royal Highness] [Your Excellency] [you], for communication to your Ministers, the accompanying copies of the Pacific Cable Act, 1911, of the Imperial Parliament.

I have, &c.,
L. HARCOURT.

Enclosure in No. 185.

PACIFIC CABLE ACT, 1911.

(1 & 2 Geo. 5.)

Chapter 36.

A.D. 1911.

An Act to extend the Pacific Cable Act, 1901.

[16th December 1911.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Provision
for con-
struction of
new works
agreed to
by con-
tributing
Govern-
ments.

1.—(1) The Pacific Cable Board may, with the approval of the Treasury, apply out of their reserve fund such sums as may be required for the purpose of any works authorised under this Act:

Provided that the sums standing to the credit of that reserve fund are not at any time thereby reduced below the sum of one hundred thousand pounds; and that the Pacific Cable Board shall pay to the reserve fund as part of the annual expenses of the Pacific Cable in each year, in accordance with regulations approved by the Treasury, such sums as may be sufficient to repay any moneys so applied in thirty-five years, with interest at the rate of three and a half per cent. per annum.

1 Edw. 7.
c. 31.

(2) Sections three to seven of the Pacific Cable Act, 1901, shall be read as if reference to the Pacific Cable included references to any works authorised under this Act, and as if references to the payment of annuities created under that Act included references to payments to the reserve fund required under this Act.

Interpre-
tation.

2.—(1) The works authorised under this Act are a submarine cable between Australia and New Zealand, as already sanctioned by the contributing Governments, and any other extensions, connections, or rearrangements in or near the Pacific Ocean which, in the opinion of all the contributing Governments, are necessary or expedient for the improvement of the Pacific Cable Board's undertaking.

(2) The reserve fund means in this Act the reserve fund established under the authority of the Treasury by the Pacific Cable Board.

(3) The contributing Governments mean in this Act the Governments represented on the Pacific Cable Board, namely, His Majesty's Government, the Government of Canada, the Government of the Commonwealth of Australia, and the Government of New Zealand.

Short title,

3. This Act may be cited as the Pacific Cable Act, 1911.

* No. 184.

15.

(RESOLUTION XVI.): STATE-OWNED WIRELESS TELEGRAPH STATIONS.

22181

No. 186.

COMMITTEE OF IMPERIAL DEFENCE to COLONIAL OFFICE.

(Received 7 July, 1911.)

(Secret.)

SIR,

2, Whitehall Gardens, London, S.W., 5th July, 1911.

I HAVE the honour to forward herewith a copy (No. 7) of the Report and Appendices of the Standing Sub-Committee of the Committee of Imperial Defence* regarding the establishment of a chain of wireless stations throughout the Empire.

Although no opportunity has arisen for bringing this Report before a full meeting of the Committee of Imperial Defence, it has received the provisional approval of the Prime Minister.

A copy of this Report has also been sent to the Foreign Office, India Office, Treasury, Admiralty, War Office, Board of Trade, and Post Office.

I am, &c.,
C. L. OTTLEY,
Secretary.

23902

No. 187.

GENERAL POST OFFICE to COLONIAL OFFICE.

(Received July 21, 1911.)

[Answered by No. 190.]

SIR,

General Post Office, London, 20 July, 1911.

I AM directed by the Postmaster-General to inform you that he is taking steps, in accordance with the view expressed by the Imperial Conference, to form a Committee of representatives of the Governments concerned in the proposals for the establishment of an Imperial chain of wireless telegraph stations in order that a detailed scheme may be worked out.

The Governments of Australia, New Zealand, and South Africa will be represented by their respective High Commissioners, Sir G. H. Reid, Sir William Hall-Jones, and Sir Richard Solomon. The Postmaster-General will be glad if the Secretary of State for the Colonies will be so good as to inform him by whom the Colonial Office will be represented.

The Postmaster-General proposes to call a meeting of the Committee for the earliest possible date; but he fears that some delay is inevitable, in consequence of the accident recently sustained by Sir George Reid.

I am, &c.,
MATTHEW NATHAN.

22181

No. 188.

COLONIAL OFFICE to GENERAL POST OFFICE.

[Copy to War Office, Admiralty, and India Office, 29 July, 1911. L.F.]

[Answered by No. 189.]

(Secret.)

SIR,

Downing Street, 28 July, 1911.

WITH reference to the third recommendation in the Report of the Standing Sub-Committee of the Committee of Imperial Defence, regarding the establishment

* Not reprinted.

of a chain of wireless telegraph stations throughout the Empire, which it is understood was forwarded to the General Post Office on 5th July, I am directed by Mr. Secretary Harcourt to request you to inform the Postmaster-General that, subject to any observations which Mr. Samuel may desire to offer, he proposes to instruct the Governor of the Straits Settlements and the High Commissioner of Cyprus to take steps at once, in consultation with the local military and naval authorities, for selecting, subject to final approval of His Majesty's Government, suitable sites for the proposed wireless telegraph stations in the Straits Settlements and in Cyprus, respectively; and at the same time Mr. Harcourt proposes to ask the War Office and Admiralty to give the necessary instructions to their officers to co-operate with the Governor and the High Commissioner in this matter.

2. A copy of this letter is being communicated to the War Office and Admiralty, and also to the India Office, since the last-mentioned Department may desire to take similar action in regard to the proposed stations at Aden and Bombay.

I am, &c.,
H. W. JUST.

25286

No. 189.

GENERAL POST OFFICE to COLONIAL OFFICE.

(Received August 1, 1911.)

[Answered by No. 192.]

(Confidential.)

SIR, General Post Office, London, 31 July, 1911.

I AM directed by the Postmaster-General to acknowledge the receipt of your letter of the 28th instant (22181/1911),* on the subject of the proposed Imperial chain of wireless telegraph stations.

The Postmaster-General agrees that steps should be taken at once to select suitable sites for the stations. But as the stations are to form parts of a single scheme, he would suggest, for the consideration of the Secretary of State, that the better plan would be for the Admiralty to select all the sites, co-operating with the local authorities in each case. If Mr. Secretary Harcourt agrees, the Postmaster-General will write to the Admiralty accordingly, suggesting that they should proceed in the matter as regards all the stations except (pending receipt of recommendations from a Committee on which Australia and New Zealand are to be represented) the one in Western Australia; that they should obtain through the India Office and the Colonial Office the co-operation of the local authorities in India and at Aden and in Cyprus and the Straits Settlements; and that they should consult this Department before finally selecting a site in the United Kingdom. He would propose to make it clear that no authority has yet been given for expenditure on the actual purchase of sites.

The Postmaster-General would be glad to be informed at your earliest convenience whether Mr. Secretary Harcourt agrees to the course proposed.

I am, &c.,
MATTHEW NATHAN.

23902

No. 190.

COLONIAL OFFICE to GENERAL POST OFFICE.

SIR, Downing Street, 31 July, 1911.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 20th July,† on the subject of the formation of a Committee to consider the proposals for the establishment of an Imperial chain of wireless telegraph stations.

* No. 188.

† No. 187.

2. In reply, I am to request that you will inform the Postmaster-General that the Colonial Office will be represented on the Committee by Mr. G. W. Johnson, C.M.G.

3. At the same time I am to add, that as the Committee arises out of the proposal discussed at the Imperial Conference, Mr. Harcourt would desire that Mr. A. B. Keith, the junior Assistant Secretary of the Imperial Conference, should act as joint Secretary to the Committee with a member of the General Post Office staff.

I am, &c.,
C. P. LUCAS.

23902

No. 191.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 651.)	(New Zealand. No. 270.)
(Australia. No. 342.)	(Newfoundland. No. 185.)
(Union of South Africa. No. 378.)	

MY LORD,

Downing Street, 3 August, 1911.

SIR,

I HAVE the honour to transmit to [Your Excellency] [you], to be laid before your Ministers, a copy of a resolution passed by the Imperial Conference as to the desirability of establishing a chain of British State-owned wireless telegraph stations within the Empire.

In laying this resolution before your Ministers, I shall be glad if you will inform them that a Committee has been appointed to work out the details of the scheme, the Governments of the Commonwealth of Australia, the Dominion of New Zealand, and the Union of South Africa being represented by their respective High Commissioners.

I have, &c.,
L. HARCOURT.

Enclosure in No. 191.

XVI.—STATE-OWNED WIRELESS TELEGRAPH STATIONS.

That the great importance of wireless telegraphy for social, commercial, and defensive purposes renders it desirable that a chain of British State-owned wireless stations should be established within the Empire.

25286

No. 192.

COLONIAL OFFICE to GENERAL POST OFFICE.

(Confidential.)

SIR, Downing Street, 3 August, 1911.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 31st ultimo,* and to state that he concurs in the course which the Postmaster-General proposes to take in connection with the establishment of an Imperial chain of wireless telegraph stations.

I am, &c.,
C. P. LUCAS.

* No. 189.

8490

No. 193.

THE HIGH COMMISSIONER FOR AUSTRALIA to THE COLONIAL OFFICE.

(Received 20 March, 1912.)

High Commissioner's Offices, 72, Victoria Street, Westminster,
London, S.W., 19th March, 1912.

SIR,

WITH reference to the erection of an Imperial wireless chain of telegraph stations, and the contract with the Marconi Company, I am directed by the High Commissioner to state, for the information of the Secretary of State, that, having cabled to the Commonwealth Government advising them of the acceptance of this Company's tender, he has received the following reply:—

"Postmaster-General (Commonwealth) prefers to arrange for own wireless station capable becoming efficient part scheme."

I am, &c.,

R. MUIRHEAD COLLINS.

7640

No. 194.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL AND GOVERNOR.

(Union of South Africa. No. 143.)
(New Zealand. No. 83.)

MY LORD,

Downing Street, 21 March, 1912.

WITH reference to the discussion on wireless telegraphy throughout the Empire which took place at the Imperial Conference (*see* pages 307-315 of [Cd. 5745]), I have the honour to transmit to [Your Excellency] [you], to be laid before your Ministers, the accompanying copies of correspondence between the Postmaster-General and the Marconi Company on the subject of the establishment of a series of long-distance stations capable of communicating over a range of at least 2,000 geographical miles.

2. Although the Company have not accepted the Postmaster-General's views on all points, the terms appear to be favourable to His Majesty's Government. There seems to be little doubt that there is at present no practicable alternative to the Marconi system for long-distance signalling, and His Majesty's Government have therefore decided to accept the modified tender in respect of stations in England, Cyprus or Egypt, Aden, and Singapore, and the Indian Government have also accepted the Agreement in regard to a station in India.

3. You are aware that the whole scheme has, since the Imperial Conference, been discussed with the High Commissioners of Australia, New Zealand, and the Union of South Africa, and I understand that [Sir R. Solomon] [Sir W. Hall-Jones] has been in telegraphic communication with your Government on the subject.

4. It is proposed that the whole cost of the erection of the stations in England, Cyprus or Egypt, Aden, and Singapore should be borne by His Majesty's Government, and that the Indian and South African Governments respectively should bear the cost of the stations in their territories. The revenue would be divided, after the deduction of the royalty payable to the Company, on the same basis as the receipts for ordinary telegrams, the rates charged to the public being made up of a terminal rate for the countries of origin and delivery and transit rates for the intermediate stations.

[5. *To Union of South Africa.* With regard to the question of the station at Aden being able to communicate with a station at Pretoria, I have to explain that the Company hope to be able soon to give a guarantee of satisfactory communication between those places. I shall be glad to learn as soon as convenient whether your Government is prepared to become a party to the Agreement.]

[5. *To New Zealand.* I shall be glad to learn in due course whether your Ministers desire that your Government should become a party to the Agreement, in

which case it could be extended so as to include a station in New Zealand for communication with a station in Australia.]

I have, &c.,

L. HARCOURT.

Enclosures in No. 194.

(1)

TENDER FOR LONG-DISTANCE WIRELESS TELEGRAPH STATIONS.

I. We, the Marconi's Wireless Telegraph Company, hereinafter called the Company, hereby offer to erect wireless telegraph stations capable of communicating over a range of at least two thousand geographical miles in—

- (1) England,
- (2) Cyprus,
- (3) Aden,
- (4) South Africa,
- (5) India,

and all such other places as may subsequently be required and agreed upon. We understand that it is desired that the station at Aden should be able to communicate with a station in the Union of South Africa; but should this prove impracticable or undesirable we offer to erect a station at Nairobi either in place of or in addition to the Station at Aden as may be desired.

II. The stations shall be erected in accordance with specifications to be prepared by us and to be approved by the Postmaster-General of the United Kingdom, hereinafter called the Postmaster-General, on behalf of the Government of the United Kingdom and of the Governments of all the Dominions and Colonies concerned, and in accordance with the annexed conditions.

III. A formal agreement, hereinafter called the said agreement, shall be prepared in draft to embody the above undertakings and the annexed conditions, which agreement shall provide that all and any other long-distance stations which the Government of the United Kingdom and the Governments of all the Dominions and Colonies represented herein by the Postmaster-General may decide upon within five years from date of the signature of the agreement shall be constructed by the Company upon the same terms as those herein specified, together with any further conditions which may be found necessary or desirable, and after the approval of this draft by the Postmaster-General and the Company, the said Agreement shall be prepared in accordance with it and shall be executed by the Postmaster-General and the Company.

Conditions.

1. The Company shall provide complete wireless apparatus for duplex working and fast speed automatic working, masts, earth connections, and duplicate power plant at each station for the sum of £60,000 per station.

2. The Company shall also, if required, construct buildings, make foundations for masts and machinery, and carry out other necessary works at cost price.

3. The Company shall demonstrate that the stations are capable of continuous communication for commercial purposes both by day and by night over the required distance at a speed of 20 words a minute duplex with ordinary working, or 50 simplex with automatic working, after allowing for repetitions in either case.

4. The Company shall work the stations for a period of six months at cost price to the Postmaster-General and shall remedy without charge any defects which may manifest themselves during that period.

5. If successful working has been established at the end of the period of six months the Company shall hand the stations over to be worked by the Governments concerned.

6. The said agreement shall extend for a period of 28 years from the date of the completion of the first five stations determinable at the end of 18 years from the

date of such completion by six months' notice by the Postmaster-General, and during its continuance the Postmaster-General shall pay to the Company by way of royalty 10 per cent. of the gross receipts of the stations above-mentioned, and of any other stations hereafter erected under the provisions of the said agreement.

7. The Company and Mr. Marconi will, during the continuance of the said agreement, give to the Postmaster-General all their assistance and advice for the successful working of the stations.

8. The Company and Mr. Marconi will, during the continuance of the said agreement, give to the Postmaster-General the right to use at the stations erected under the provisions of the said agreement all inventions, improvements, and patents to which they or he are or may become entitled, and of which they or he are or may become possessed, and over which they or he have control and power to use, and which may be used by them or him, and all improvements in such inventions and patents, without any payment beyond those specified in the said agreement.

9. The Postmaster-General shall have the right to introduce into the stations at his absolute discretion any patents or inventions in wireless telegraphy in addition to or in substitution for those of the Company. The Postmaster-General shall, however, seek the advice of the Company before actually introducing such patents and inventions.

10. If at any time during the term of the said agreement the Postmaster-General shall find it advantageous to use a system entirely independent of the Marconi system, and should no longer use any of the apparatus of the Company in regard to which a patent is in force for the purpose of working the stations, the payment of royalty to the Company shall cease.

11. If notice is not given to determine the said agreement before the end of 28 years, the Postmaster-General shall have the continued use in all stations then working under the said agreement of all or any of the inventions and patents referred to in Condition 8 which may actually be in use at the stations at the termination of the said agreement, or may have been in use at them, and this without further payment by way of royalty.

12. The Company shall release the Admiralty and the Postmaster-General from the obligation under their agreements with the Company of 24 July, 1903, and 29 September, 1909, respectively, not to impart any information about Marconi apparatus or the mode of working it to other Departments of the Imperial Dominion or Colonial Governments, and the Governments and Departments concerned shall not make use of information so obtained in order to enable them to manufacture or cause to be manufactured or use without payment any of the apparatus in regard to which information has been furnished.

MARCONI'S WIRELESS TELEGRAPH COMPANY, LIMITED,
GODFREY C. ISAACS,
Managing Director.

February 13th, 1912.

(2)

SIR,

General Post Office, London, 5 March, 1912.

I AM directed to inform you that the Postmaster-General has now received the authority of the Lords Commissioners of His Majesty's Treasury to accept the tender enclosed with your letter (I) of the 13th ultimo for the erection of the wireless telegraph stations of the Imperial chain, subject to the modifications indicated below.

Clause I.—It is to be understood that a station may be erected in Egypt instead of Cyprus at the discretion of the Postmaster-General.

The inclusion of the Indian and South African stations is dependent on the formal approval of the respective Governments, and the inclusion of the South African station is also dependent on a guarantee by the Company that satisfactory communication will be established between that station and Aden.

Clause III.—The Postmaster-General cannot agree to bind His Majesty's Government not to employ any other contractor than the Marconi Company for the erection of any stations which may be required in the future in connexion with the Imperial chain of stations. He is willing, however, at once and specifically to include the Singapore station in the agreement, and, if the Australian Government agrees, the station in Australia also.

Condition 3.—It is to be understood that the choice of duplex working or simplex automatic working will rest with the Postmaster-General, and that the conditions as to duplex working and automatic working are concurrent and not alternative. It is proposed to make this clear in the relative clause in the agreement.

Condition 6.—The Postmaster-General thinks that the period of 28 years should run from the signature of the agreement and not from the date of completion of the first five stations, and he will be glad to learn that you agree to the modification of the tender in this respect.

Condition 10.—The Lords Commissioners of the Treasury consider that provision should be made for a reduction of the royalty if at any time the Marconi patents are used only to a small extent at the stations. The Postmaster-General suggests, for your concurrence, the following addition to the clause:—

"And if at any time he should find it advantageous to use the apparatus of the Company in part only he shall be entitled to refer to arbitration the question whether, and to what extent, the payment of royalty to the Company shall be reduced."

He will be glad to learn that you agree to this alteration.

It will be necessary to make provision that the Postmaster-General's rights under the agreement, and in particular under Conditions 7 and 8, shall not be affected if the Company should be absorbed by or amalgamated with some other Company.

As you are already aware, it will also be a necessary condition that the agreement will not become binding until it has been approved by Resolution of the House of Commons.

On learning that these modifications are agreed to the Postmaster-General will at once proceed with the preparation of the formal agreement contemplated by the tender.

I am, &c.,
A. F. KING.

Godfrey C. Isaacs, Esq.,
of Marconi's Wireless Telegraph Company, Limited.

(3)

Marconi's Wireless Telegraph Company, Limited,
Watergate House, York Buildings, Adelphi,
London, W.C., 7th March, 1912.

SIR,

I AM in receipt of your communication of the 5th instant informing me that the Postmaster-General has received the authority of the Lords Commissioners of His Majesty's Treasury to accept the tender enclosed in my letter "I" of the 30th ultimo for the erection of the wireless telegraph stations of the Imperial chain subject to certain modifications.

I regret not to have been able to accept these modifications in their entirety, and now confirm the alterations in these modifications which have resulted from our several subsequent interviews, as follows:—

Clause I.—It is understood that a station may be erected in Egypt instead of Cyprus at the discretion of the Postmaster-General, and that the inclusion of the Indian and South African stations is dependent upon the formal approval of the respective Governments. The Company, however, does not guarantee that the

stations of Aden and in the Union of South Africa shall provide an efficient service without the erection of a third and intermediate station. The Company is of opinion that it will be able to erect stations capable of conducting such an efficient direct service, but it may be necessary to increase the power employed at each of the two stations, in which case it is agreed that the extra cost thereof shall be added to the price of £60,000.

Clause III. of the tender to read as follows:—

"A formal agreement, hereinafter called the 'said agreement,' shall be prepared in draft to embody the above undertakings and the annexed conditions, which agreement shall provide that all and any other long distance station which the Government of the United Kingdom and the Governments of all the Dominions and Colonies represented herein by the Postmaster-General may require within five years from the date of the agreement shall be constructed by the Company upon the same terms as those herein specified together with any further conditions which may be found necessary or desirable, and after the approval of this draft by the Postmaster-General and the Company the said agreement shall be prepared in accordance with it and shall be executed by the Postmaster-General and the Company."

NOTE.—Condition 3. It is understood that the automatic working must be subject to weather conditions.

Condition 6 shall read:—

"The said agreement shall extend for a period of twenty-eight years from the date of the commencement of the service of the first three stations &c."

Condition 10 to stand as set out in the tender, and the modification as suggested in your letter of the 5th instant is agreed to be cancelled.

The following to be substituted for *Condition 12* of the tender:—

"All the Government Departments, the Colonial Governments, and the Governments of the Dominions which take part in this Agreement shall undertake not to give any information concerning the Company's patents, processes, machinery, or any knowledge which they may derive from the stations erected under this tender or which may be obtained from the Marconi Company to any Government Department which may not have caused stations to be erected under this tender. It is further agreed that if, at the expiration of the five years, dating from the date of the agreement, any of the Government Departments, the Colonial Governments, or the Governments of the Dominions which will have erected stations under this tender should decide to erect or cause to be erected a station or stations of a different system, the Company shall have the right of inspection of any such station or stations. By this clause, to the extent of what is set out therein, the Company releases the Admiralty and the Postmaster-General from the obligation under their agreements with the Company of the 24th of July, 1903, and the 29th September, 1909, respectively, but no Governments or Departments concerned shall make use of information so obtained in order to enable them to manufacture or cause to be manufactured or use without payment any of the apparatus in regard to which information has been furnished."

*NOTE.—*It is open to the Government of any Dominion to become a party to this agreement.—(Int.) G. C. I.

I have, &c.,

MARCONI'S WIRELESS TELEGRAPH COMPANY, LIMITED,
GODFREY C. ISAACS,
Managing Director.

The Secretary,
General Post Office, E.C.

8490

No. 195.

AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(No. 134.)

MY LORD,

Downing Street, 26 March, 1912.

WITH reference to the discussion on wireless telegraphy throughout the Empire which took place at the Imperial Conference (see pages 307-315 of [Cd. 5745]), I have the honour to transmit to Your Excellency to be laid before your Ministers, the accompanying copies of correspondence* between the Postmaster-General and the Marconi Company on the subject of the establishment of a series of long distance stations capable of communicating over a range of at least 2,000 geographical miles.

2. Although the Company have not accepted the Postmaster-General's views on all points, the terms appear to be favourable to His Majesty's Government; there seems to be little doubt that there is at present no practicable alternative to the Marconi system for long-distance signalling; and His Majesty's Government have, therefore, decided to accept the modified tender in respect of stations in England, Cyprus or Egypt, Aden, and Singapore, and the Indian Government have also accepted the Agreement in regard to a station in India.

3. You are aware that the whole scheme has, since the Imperial Conference, been discussed with the High Commissioners of Australia, New Zealand, and the Union of South Africa.

4. It is proposed that the whole cost of the erection of the stations in England, Cyprus or Egypt, Aden and Singapore, should be borne by His Majesty's Government, and that the Indian and South African Governments, respectively, should bear the cost of the stations in their territories. The revenue would be divided, after the deduction of the royalty payable to the Company, on the same basis as the receipts for ordinary telegrams, the rates charged to the public being made up of a terminal rate for the countries of origin and delivery and transit rates for the intermediate stations.

5. I shall be glad to be informed should your Ministers at a later date desire that your Government should become a party to the Agreement, in which case it could be extended so as to include one or more stations in Australia for communication with Singapore on the one hand and with New Zealand on the other. I gather that such is not the present intention of your Ministers, as I learn from Sir G. Reid that he has received the following telegram:—

"Postmaster-General prefers to arrange for own wireless stations capable becoming efficient part scheme."

I have, &c.,

L. HARCOURT.

8490

No. 196.

COLONIAL OFFICE to GENERAL POST OFFICE.

SIR,

Downing Street, 26 March, 1912.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letters of the 12th and 23rd March,† relative to the arrangement with the Marconi Company for the erection of the stations of the Imperial Wireless Telegraph Chain.

2. In reply, I am to request you to inform the Postmaster-General that Mr. Harcourt concurs in the acceptance of the Company's modified tender for the stations to be erected in this country, and in Cyprus (or Egypt), Aden, and Singapore on the understanding that the total cost of these stations will be borne by the Imperial Government.

* Enclosure in No. 194.

† 7640 and 9070: not printed.

3. At the same time I am to transmit to you, for the information of Mr. Samuel, the accompanying copies of despatches* which have been addressed to the Governors-General of the Commonwealth of Australia and the Union of South Africa and to the Governor of New Zealand on the subject.

4. I am to add that it is assumed that the contract will be so drawn as to make it clear that communication will be allowed between the Singapore and other stations of the chain and a station in Australia (or elsewhere) erected on any system other than Marconi's.

I am, &c.,
H. W. JUST.

8490

No. 197.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL
AND GOVERNOR.

(Canada. No. 285.)

(Newfoundland. No. 80.)

SIR, Downing Street, 20 April, 1912.
WITH reference to the discussion on wireless telegraphy throughout the Empire which took place at the Imperial Conference (see pp. 307-315 of [Cd. 5745]), I have the honour to transmit to [Your Royal Highness] [you], for the information of your Ministers, copies of despatches* which I have addressed to the Governors-General of the Commonwealth of Australia and the Union of South Africa and to the Governor of New Zealand, on the subject of the establishment of a series of long-distance stations capable of communicating over a range of at least 2,000 geographical miles.

I have, &c.,
L. HARCOURT.

* Nos. 194 and 195.

16.

(RESOLUTIONS XVII AND XVIII): UNIVERSAL PENNY POSTAGE;
IMPERIAL POSTAL ORDER SCHEME.

23626

No. 198.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

[Copy to General Post Office, 29 July, 1911. L.F.]

[Answered by Nos. 202 and 204.]

(Canada. No. 622.)
(Australia. No. 320.)

My LORD,

Downing Street, 28 July, 1911.

WITH reference to my despatch, No. [142] [99], of the 2nd of March,* I have the honour to transmit to Your Excellency, to be laid before your Ministers, copy of a resolution passed at the Imperial Conference in favour of the extension of the Imperial Postal Order scheme to [Canada] [the Commonwealth].

2. At the discussion of this question at the Conference your Prime Minister expressed his willingness to consider how far the proposed extension was practicable, and I shall be glad to learn whether your Ministers can see their way to carry it into effect.

I have, &c.,
L. HARCOURT.

Enclosure in No. 198.

XVIII.—IMPERIAL POSTAL ORDER SCHEME.

That it is desirable to complete the Imperial Postal Order Scheme by its extension to Australia and its full adoption by Canada, so that the British Postal Order shall be obtainable and payable in all parts of the Empire, and thus afford a ready and economical means of remitting small sums, not only between the United Kingdom and other parts of the Empire, but between each part and every other.

23625

No. 199.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND
GOVERNORS.

[Copy to General Post Office, 29 July, 1911. L.F.]

(Canada. No. 623.) (New Zealand. No. 255.)
(Australia. No. 323.) (Newfoundland. No. 173.)
(Union of South Africa. No. 354.)

[MY LORD,] [SIR,]

Downing Street, 28 July, 1911.

WITH reference to my despatch, No. [126] [92] [99] [66] [32], of the 24th of February,† I have the honour to transmit to [Your Excellency] [you], for the information of your Ministers, copy of a resolution passed by the Imperial Conference in favour of further reduction in postal rates.

2. From the General Post Office Memorandum, printed on pages 135, *et seq.*, of [Cd. 5273], Your Ministers will have observed that the policy of further reductions in postage rates has been steadily pursued since the similar resolution of the Colonial Conference of 1907. The views expressed, and the resolution of the late Conference, will continue to be acted upon by His Majesty's Government as opportunity arises.

I have, &c.,
L. HARCOURT

* No. 275 in Dominions No. 19,

† No. 256 in Dominions No. 19,

Enclosure in No. 199.

XVII.—UNIVERSAL PENNY POSTAGE.

That, in view of the social and political advantages and the material commercial advantages to accrue from a system of international penny postage, this Conference recommends to His Majesty's Government the advisability, if and when a suitable opportunity occurs, of approaching the Governments of other States members of the Universal Postal Union in order to obtain further reductions of postage rates, with a view to a more general, and, if possible, a universal, adoption of the penny rate.

23626

No. 200.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL AND GOVERNORS.

[Answered by No. 201.]

(Union of South Africa. No. 357.)
(New Zealand. No. 258.)
(Newfoundland. No. 174.)

[MY LORD,] [SIR,]

Downing Street, 28 July, 1911.

WITH reference to my despatch, No. [104,] [73,] [38,] of the 2nd of March,* I have the honour to transmit to [Your Excellency] [you], for the information of your Ministers, copy of a resolution† passed at the Imperial Conference on the subject of the Imperial Postal Order scheme, together with copies of the despatches‡ which have been addressed to the Governors-General of the Dominion of Canada and the Commonwealth of Australia on the matter.

I have, &c.,

L. HARCOURT.

30301

No. 201.

NEWFOUNDLAND.

THE ACTING GOVERNOR TO THE SECRETARY OF STATE.

(Received September 16, 1911.)

(No. 76.)

SIR,

Government House, St. John's, 2nd September, 1911.

IN reply to your despatch, No. 174 of the 28th July,§ in relation to the extension of the Imperial Postal Order scheme, my Ministers inform me that the British Postal Order system is already in full operation between Newfoundland, the United Kingdom, and the Crown Colonies, and that its extension to the whole Empire would be a still greater convenience.

I have, &c.,

W. H. HORWOOD.

10755

No. 202.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received April 9, 1912.)

(No. 176.)

SIR,

Government House, Ottawa, 1st April, 1912.

I HAVE the honour to forward, herewith, for your information, copy of a letter from the Secretary of State for External Affairs, dated 27 March, 1912, on the subject of the proposed extension to Canada of the Imperial Postal Order Scheme.

Reference to previous despatch: Secretary of State, No. 135, 22 February, 1912.¶

I I have, &c.,

ARTHUR.

* No. 275 in Dominions No. 19.
§ No. 200.

† Enclosure in No. 198.
‡ Reminder of No. 198.

¶ No. 198.

Enclosure in No. 202.

SECRETARY OF STATE FOR EXTERNAL AFFAIRS TO THE GOVERNOR-GENERAL.

TO HIS ROYAL HIGHNESS THE GOVERNOR-GENERAL:

THE undersigned, to whom was referred a despatch from the Secretary of State for the Colonies to Your Royal Highness, dated the 22nd February, 1912, on the subject of the proposed extension to Canada of the Imperial Postal Order Scheme, has the honour to report that Canada's position in regard to the scheme was fully set forth in a communication addressed by the Deputy Postmaster-General of Canada to the Secretary of the General Post Office on the 22nd March, 1910, a copy of which is appended to this report.

The undersigned may add that the subject was renewed in a letter received from the Imperial Postmaster-General in December, 1911, addressed to the Honourable Mr. Pelletier, in which the Imperial Office expressed the hope that the Post Office Department of Canada would arrange to place Imperial postal orders on sale in the Dominion in the near future. To this communication the Postmaster-General replied in the following terms:—

"As regards the adoption of the Imperial Order Scheme I have to say that after giving the question the most careful consideration, I am unable to come to any other conclusion than that arrived at by my predecessors, as well as the chief officers of my Department, which is that it would not be expedient or practicable to undertake any further participation in the scheme than that already agreed upon, under which British postal orders are paid at the principal city offices in Canada. While the proposal is an attractive one from the standpoint of Imperial sentiment, its adoption by Canada would be attended with difficulties that, I am persuaded, would far outweigh any benefit that might result from it.

"Canada's position in relation to the scheme was fully stated in a communication addressed to your office by the Deputy Postmaster-General on the 22nd March, 1910, a copy of which is enclosed herewith, and I am fully satisfied that the objections therein raised to undertaking the sale of British Postal Orders in Canada, while not wholly insuperable, are of such a practical character that I would not be warranted in reversing previous decisions of my Department in regard to this question."

The undersigned begs to inform Your Royal Highness that the Postmaster-General is still unable, for the reasons given in previous communications, to participate in the scheme to any greater extent than that already suggested, namely, the payment of British orders at the larger city offices in Canada, or the reciprocal payment by each country of the orders issued by the other.

The undersigned recommends that a copy of this report be forwarded to the Secretary of State for the Colonies.

Humbly submitted:

W. J. ROCHE,

Secretary of State for External Affairs.

Ottawa,

27th March, 1912.

SIR,

22nd March, 1910.

I HAVE the honour to acknowledge the receipt of your letter of the 19th February, with further reference to the proposed Imperial Order Scheme in which you urge that Canada should undertake the issue, as well as the payment, of British postal orders at the larger city offices.

In reply, I have to say that the question has been fully considered from every standpoint, and I am to express the Postmaster-General's regret that he cannot see his way to undertake any further participation in the scheme than that already agreed to.

It is impossible to reach any other conclusion than that British postal orders, to whatever extent they might be used, would replace Canadian money orders for the purpose of making remittances to Great Britain. This would result in a direct loss to Canada of the commission received from the sale of money orders, unless an extra poundage should be imposed on British orders to meet such loss, which would

nullify any benefit that might result to the Canadian remitter from their use. Moreover, it would hardly be possible to confine their use to the city offices, for if British postal orders were found to be of any practical benefit to the Canadian public, their utility would be greatest in the remote districts that are being filled up by British settlers, and a demand would soon be made upon this Department to extend the same facilities for making cheap remittances to all parts of the country. This would mean the carrying on of a dual postal note system throughout the whole Dominion, which would be most inconvenient, if not impracticable. In this connection it may be observed that when the South African Colonies adopted the Imperial order scheme, they found it expedient to abolish their own, a fact which strongly supports the Canadian contention that two systems could not be carried on without great inconvenience.

As regards the suggestion made from time to time by the British Office that the scheme might be tried in the large centres of population, and at certain selected offices as an experiment, with a view to its gradual extension if found practicable, it may be said that the matter would not be experimental as far as Canada is concerned. This Department, from its experience in carrying on its own Postal Note System, is fully aware of the difficulties that would have to be overcome, and is satisfied that no benefits would result to Canada commensurate with the cost of carrying on the dual system and the accounting and administrative difficulties that would arise between the Canadian Post Office Department and its own Postmasters.

In discussing this question your officers have laid considerable stress on the fact that the adoption of the scheme would benefit Canada in affording a cheap means of making remittances to all parts of the Empire; but this phase of the question is not, from a Canadian standpoint, of any great importance. Remittances made to the other Colonies are comparatively few, being confined for the greater part to Australia and New Zealand, with both of which Canada has a direct money order exchange, which fully meets the requirements of the Canadian people. I might add also, that there is no demand in this country for any cheaper means of remitting money to countries outside of Great Britain and the United States than that afforded by the Canadian money order system since the present rates of commission were adopted.

The objections on the part of Canada to undertaking the issue of British postal orders have been stated in previous correspondence on the subject, and may be summarised as follows:—

- (1) That it would be inconvenient, if not impracticable, to carry on a dual postal note system.
- (2) The increased liability of the Department for the additional supply of postal notes placed in the hands of Postmasters, with the attendant risks from fire or burglary.
- (3) The fact that these orders would be used locally, and also for remittance to the United States, and would thus become a source of annoyance to the Postal Administrations of both countries.
- (4) That this Department would be unable to give any information concerning the payment of British orders after their return to Great Britain, without first corresponding with the British Office. Such information is readily given in connection with Canadian postal notes for any period up to two years after their issue, and the fact that enquiries might relate to British orders would lead to confusion.
- (5) The objection that would arise on the part of many of the Canadian Postmasters to handling these postal orders. In some cases Postmasters at country offices have resigned rather than transact postal note business, and it would be out of the question to impose the double responsibility of handling two sets of postal notes on such Postmasters.

While unable, for the reasons above stated, to participate in the scheme in its entirety, the Postmaster-General is fully persuaded as to the mutual advantage that would result to Canada and the United Kingdom from a commercial standpoint, if a safe and cheap method of remitting small sums between the two countries were arranged, and to this end he would again bring before your Administration the proposal for the reciprocal payment of the notes of each country by the other. It has been advanced as an objection on the part of Great Britain that if such an

arrangement were made with Canada, the postal orders of the other Colonies would also have to be paid. It is submitted, however, by this Administration that Canada occupies an exceptional position in the Empire, owing to the extent of the Dominion and the magnitude of its postal business. There is also to be considered the difference in currency which would complicate any attempt at carrying on a dual system in Canada, but at the same time make it easy to distinguish Canadian postal notes from any other document in the Post Offices of Great Britain. No other Colony, with the exception of Australia, which has not yet given its adherence to the scheme, can be compared with the Dominion in either of the respects above mentioned. South Africa might be mentioned as almost equal in territorial extent, but, as already stated, that country has found it advisable to abolish its own postal note system since adopting the Imperial Postal Scheme. Neither can it be understood why any objections should be raised by the other Colonies to the payment of Canadian postal notes in the United Kingdom, if these Colonies have adopted the Imperial order system and found it satisfactory.

As regards the commercial benefit that would result to the United Kingdom from the acceptance of Canadian postal notes, I have to remark that when Canadian postal notes were first issued, they were intended solely for local use, but, notwithstanding strict regulations to the contrary, great numbers were remitted to the United States. The officials of that country understood that, in nearly every case, the Canadian postal note presented for payment in the United States meant a purchase by a Canadian from some dealer in that country, and the United States Postal authorities readily agreed to the payment of Canadian notes in the same manner as money orders. The system has worked very satisfactorily to both countries, and it is believed that if Great Britain would agree to accept Canadian postal notes, a great many small purchases now made in the United States by means of these notes, would be diverted to the United Kingdom. There is no reason why a large part of this class of trade should not go to Great Britain if remittances could be made with equal facility.

In renewing this proposal for the mutual exchange of postal orders or notes between the two countries, I am to say that the Postmaster-General is of the opinion that the commercial advantage resulting therefrom would be largely in favour of Great Britain. A great many small articles for which Canadian postal notes would be remitted would be purchased from dealers in Great Britain, while it is not anticipated that business firms in Canada would reap any corresponding benefit through trade with the United Kingdom.

I am enclosing herewith, for your information, a copy of the instructions issued to city Postmasters in Canada relating to payment of British postal orders, also the docket which is to be used in connection therewith. You will observe that Postmasters are instructed not to cash postal orders outstanding more than six months from the last day of the month of issue; also that no extra commission is to be charged on orders outstanding more than three months. This Department has abolished such charges in connection with its own notes.

I am, &c.,
R. M. COULTER,
Deputy Postmaster-General.

The Secretary,
General Post Office,
London, England.

10755

No. 203.

CANADA.

COLONIAL OFFICE to GENERAL POST OFFICE.

SIR,

Downing Street, 15 May, 1912.

WITH reference to the letter from this Office of the 29th of July, 1911,* I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Postmaster-General, the accompanying copy of a despatch† from the Governor-General of

* L.F. transmitting copies of Nos. 198 and 199.

† No. 202.

the Dominion of Canada on the subject of the proposed extension to Canada of the Imperial Postal Order Scheme.

2. Mr. Harcourt will be glad to receive any observations which Mr. Samuel may have to make on this despatch.

I have, &c.,
HENRY LAMBERT,
for the Under-Secretary of State.

17006

No. 204.

AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received June 3, 1912.)

(No. 67.)

SIR, Governor-General's Office, Melbourne, 23rd April, 1912.
WITH reference to your despatches, No. 320, dated 28th July, 1911, and No. 93, of 22nd February last,* relative to the question of the extension to Australia of the Imperial Postal Order Scheme, I have the honour to inform you that I am advised by the Prime Minister that, after reconsideration, the Commonwealth Government finds itself unable to alter its previous decision on the subject.

I should add that the Prime Minister informs me that the information which has been obtained indicates generally that there is no evidence of any demand on the part of the public for the facility; that a great deal of extra work would be involved by its introduction, and that the Commonwealth Postal Department would suffer considerable disadvantage as regards revenue—a matter of some consideration at the present time in view of the heavy loss incurred in connection with the reduction of postage rates.

I have, &c.,
DENMAN,
Governor-General.

17006

No. 205.

AUSTRALIA.

COLONIAL OFFICE to GENERAL POST OFFICE.

SIR, Downing Street, 11 June, 1912.
IN continuation of the letter from this Department of the 15th ultimo,† I am directed by Mr. Secretary Harcourt to transmit to you, for the information of the Postmaster-General, a copy of a despatch‡ from the Governor-General of the Commonwealth of Australia from which it will be seen that the Commonwealth Government are unable to alter their previous decision as to the Imperial Postal Order Scheme.

I am, &c.,
HENRY LAMBERT,
for the Under-Secretary of State.

* No. 198 and a reminder.

† No. 203.

‡ No. 204.

17.

(RESOLUTION XIX.): COMMERCIAL TREATIES.

(a) WITHDRAWAL OF THE DOMINIONS FROM CERTAIN TREATIES.

13482

No. 206.

COLONIAL OFFICE to FOREIGN OFFICE.

[See No. 209.]

SIR,

Downing Street, 4 May, 1911.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 25th April,* forwarding a report† by the Law Officers of the Crown as to the status of British Colonial subjects under Commercial treaties.

2. Mr. Harcourt has learnt with satisfaction of the opinion given by the Law Officers, and he presumes that the principle laid down by them will be adopted by His Majesty's Government, and that Mr. Chamberlain's Circular despatch of the 2nd December, 1899,‡ may be accepted as still governing the situation.

3. I am to enquire whether the commercial negotiations with Colombia will now be resumed on the basis laid down in the Law Officers' report.

I am, &c.,
C. P. LUCAS.

12005

No. 207.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, 9 May, 1911.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 12th April,§ on the subject of the desire of the Commonwealth of Australia to withdraw from certain commercial treaties, and to request you to inform Secretary Sir E. Grey, with reference to the letter from this Department of the 4th instant,|| that Mr. Harcourt proposes to communicate with the Prime Minister of the Commonwealth, who is to be present at the Imperial Conference, on the question of giving notice of withdrawal from the treaties on behalf of the Commonwealth.

I am, &c.,
C. P. LUCAS.

19750

No. 208.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by Nos. 210 and 215.]

SIR,

Downing Street, 20 June, 1911.

WITH reference to the letter from this Department of the 9th ultimo,* I am directed by Mr. Secretary Harcourt to request you to inform Secretary Sir Edward Grey that the Prime Minister of the Commonwealth of Australia has notified that it is the wish of the Commonwealth Government that notice should be given forthwith of the desire of the Commonwealth to withdraw from the Anglo-Mexican Commercial Treaty of 1888.

Mr. Harcourt will be glad if Sir E. Grey will cause the necessary steps to be taken in accordance with the wish of the Commonwealth Government.

I am, &c.,
H. W. JUST.

* 13482 : not printed.

† 30482/99 : not printed.

‡ No. 137 in Vol VII. of Law Officers' Opinions.

§ No. 176 in Dominions No. 19.

|| No. 206. ¶ No. 207.

21255

No. 209.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 29 June, 1911.)

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of the following papers:—Board of Trade, May 13: Board of Trade, May 30: to Board of Trade, June 24: (Status of British Colonial subjects under Commercial Treaties.)

Foreign Office,
27 June, 1911.

Enclosure 1 in No. 209.

Board of Trade (Commercial Department), Gwydyr House,

SIR, Whitehall, London, S.W., 13 May, 1911.

I AM directed by the Board of Trade to acknowledge the receipt of your letter of April 25th, transmitting a print of a letter to the Law Officers, and of the Opinion of those officers with regard to the scope of commercial treaties as affecting the status and privileges of British subjects in Colonies which have not adhered to commercial treaties concluded between the United Kingdom and foreign countries.

In reply, I am to say that the Board are inclined to doubt whether the other parties to such treaties (for example Japan) would be prepared to admit specifically the view held by the Law Officers as to the scope of their obligations under those treaties. They are accordingly disposed to suggest, for Sir E. Grey's consideration, that it would probably be unwise to press this view, unless in some case of unavoidable necessity, especially in the case of those treaties in which it would be open to the other party to terminate the treaty at any time by giving twelve months' notice.

I am, &c.,
H. LLEWELLYN SMITH.

The Under-Secretary of State,
Foreign Office.

Enclosure 2 in No. 209.

Board of Trade (Commercial Department), Gwydyr House,

SIR, Whitehall, London, S.W., 30th May, 1911.

I AM directed by the Board of Trade to acknowledge the receipt of your letter of May 16th, transmitting copy of a letter from the Colonial Office on the subject of the recent Opinion of the Law Officers with regard to the status of British Colonial subjects under commercial treaties.

As regards the second paragraph of the Colonial Office letter, the Board do not at present desire to add anything to their letter of May 13th.

As regards the final paragraph of the letter in question, it appears to the Board that if the Law Officers' Opinion prevails, the contention of the Colombian Government which led to the suspension of negotiations is strengthened, and that, therefore, the Opinion does not afford any ground on which the negotiations could be resumed with advantage. In the circumstances the Board are disposed to suggest, for Sir E. Grey's consideration, that these negotiations should be allowed to remain in abeyance.

I have, &c.,
GEO. J. STANLEY.

The Under-Secretary of State,
Foreign Office.

Enclosure 3 in No. 209.

SIR, Foreign Office, June 24, 1911.

I AM directed by Secretary Sir E. Grey to acknowledge the receipt of your letter of the 30th ultimo respecting the question of re-opening the negotiations with the Colombian Government for the modification of the Anglo-Colombian Commercial Treaty.

I am to point out that the Colombian Government have always adhered to their view that British Colonial subjects belonging to a Colony which should withdraw from the treaty would still be entitled to the rights granted by the personal clauses of the treaty. It appears to Sir E. Grey that their contention is not, for the practical purposes of the present negotiations, affected by the recent opinion of the Law Officers as to the status of British Colonial subjects under commercial treaties.

I am to recall that in your letter of July 21st, 1910, you stated that the Board of Trade would not object to withdraw the claim of His Majesty's Government to unconditional most-favoured-nation treatment under the Colombian Treaty. The Colonial Office have also agreed to the withdrawal of this claim, and it appears to Sir E. Grey that the Colombian Government might be willing to accept the abandonment of the claim as a *quid pro quo* for the option of withdrawal of the self-governing Dominions from the treaty.

Sir E. Grey proposes, therefore, subject to the concurrence of the Board of Trade, to instruct His Majesty's Minister at Bogotá to reopen the question, and, in the event of the Colombian Government maintaining their objection, to draw their attention to the preference accorded by them to Venezuelan trade, and say that His Majesty's Government are willing not to press their undoubted rights to unconditional most-favoured-nation treatment under the treaty in consideration of the insertion in it of a clause enabling the self-governing Dominions to withdraw from it separately.

I am, &c.,
W. LANGLEY.

The Secretary to
the Board of Trade.

22062

No. 210.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 6 July, 1911.)

[Answered by L.F. transmitting copy of No. 211.]

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of the following paper: To Mr. T. B. Hohler, No. 10, Commercial, July 4, 1911: Withdrawal of Australia from Anglo-Mexican Treaty of 1888.

Reference to previous letter: Colonial Office, 19750/11. June 20, 1911.*

Foreign Office,
5 July, 1911.

Enclosure in No. 210.

(No. 10. Commercial.)

SIR,

Foreign Office, July 4th, 1911.

WITH reference to your despatch, No. 15, Commercial, of March 11th, I have to inform you that the Government of the Commonwealth of Australia have notified their desire that notice may be given forthwith of the wish of the Commonwealth to withdraw from the Anglo-Mexican Commercial Treaty of November 27th, 1888.

I request that you will lose no time in making the necessary communication to the Minister for Foreign Affairs, in accordance with Article XVI. of the Treaty. You should, at the same time, point out that Queensland is one of the States of the Commonwealth which are at present bound by the Treaty, though no mention of that State was made in the note from the Minister for Foreign Affairs of which a copy was enclosed in your above-mentioned despatch.

I am, &c.,
E. GREY.

T. B. Hohler, Esquire,
&c., &c., &c.

22062

No. 211.

AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Copy to Foreign Office, 13 July, 1911. L.F.]

(No. 283.)

MY LORD,

Downing Street, 12 July, 1911.

WITH reference to my predecessor's despatch, No. 154, of the 22nd of April, 1910,* I have the honour to transmit to Your Excellency, for the information of your Ministers, the accompanying copy of correspondence,† on the subject of the desire of the Government of the Commonwealth to withdraw from the Anglo-Mexican Treaty of 1888.

2. I have to add that notice of the desire of the Commonwealth to withdraw has been given in accordance with the wishes of the Prime Minister, who has been consulted on the matter.

I have, &c.,

L. HARCOURT.

23660

No. 212.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received July 18, 1911.)

[Answered by No. 217.]

SIR,

Foreign Office, 18th July, 1911.

I AM directed by Secretary Sir E. Grey to call your attention to the Resolution unanimously passed by the recent Imperial Conference calling upon His Majesty's Government to open negotiations with the several foreign Governments having treaties which apply to the oversea Dominions, with a view to securing liberty for any of these Dominions which may so desire to withdraw from the operation of the treaty without impairing the treaty as respects the rest of the Empire.

I am to enclose, herewith, a list‡ of those treaties from which the Dominions are unable to withdraw apart from the United Kingdom, and Sir E. Grey now purposes, in accordance with the request of the Imperial Conference, to instruct, where necessary, His Majesty's Representative to ascertain from the Governments concerned whether, in view of the circumstances, they would be willing to consent to the separate withdrawal of the Dominions from their treaty or treaties with His Majesty's Government should any of the latter so desire.

I am now to enclose copy of the draft circular despatch§ which has been drawn up in this sense in conjunction with the Board of Trade, and I am to request that Sir E. Grey may be furnished with any observations which Mr. Secretary Harcourt may desire to offer on the subject. A separate despatch is being drafted to His Majesty's Ambassador at Rome in the case of the Italian Treaty of 1883, where the circumstances are somewhat different. Copy of this draft will be, in due course, communicated to you for Mr. Harcourt's concurrence.

In the case of the Colombian Treaty of 1866, negotiations were opened, you will recollect, in 1908, for the separate withdrawal of the Dominions; and these negotiations it is now proposed to resume. It will be necessary, therefore, to furnish His Majesty's Minister at Bogota with separate instructions, copy of which will be communicated to your Department shortly.

As regards the Bolivian Treaty of 1840, I am to point out that negotiations are at present proceeding for the conclusion of a fresh treaty to replace the existing one, and it is hoped that this Treaty may be signed shortly. In these circumstances, it would seem that no instructions need be sent at the present time to His Majesty's Minister at La Paz in respect of the Treaty of 1840.

* No. 171 in Dominions No. 19.

† Enclosure in No. 176 in Dominions No. 19 and enclosure in No. 210.

‡ See Enclosure 2 in No. 223.

§ Not printed: for the despatch as sent see Enclosure 2 in No. 222.

Lastly, in the case of the Mexican Treaty of 1888, the Mexican Government have already, as you are aware, agreed to allow the Dominions to withdraw separately.

I am, &c.,

W. LANGLEY.

24394

No. 213.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received July 26, 1911.)

[Answered by No. 216.]

SIR,

Foreign Office, July 25, 1911.

WITH reference to the letter from this Department of the 18th instant,* respecting the desire of the self-governing Dominions to be enabled to withdraw from certain commercial treaties, I am directed by Secretary Sir E. Grey to transmit to you, herewith, for Mr. Secretary Harcourt's concurrence, copy of a draft despatch† instructing His Majesty's Ambassador to approach the Italian Government with a view to their allowing the Dominions to withdraw from the Treaty of 1883 if they should desire to do so at any time.

I am to add the despatch has been drafted in conjunction with the Board of Trade.

I am, &c.,

W. LANGLEY.

25499

No. 214.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 4 August, 1911.)

[Answered by No. 231.]

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, with reference to the letter from this Department of the 18th ultimo,* is directed by Secretary Sir E. Grey to transmit herewith, for the concurrence of the Secretary of State for the Colonies, a draft of a despatch which it is proposed to address to His Majesty's Minister at Bogota on the subject of the withdrawal of Oversea Dominions from the Anglo-Colombian Treaty of 1866.

Foreign Office,

3 August, 1911.

Enclosure in No. 214.

(Draft.)

(No. Commercial.)

SIR,

Foreign Office, , 1911.

HIS Majesty's Government have recently had under consideration the question of taking steps to enable the self-governing Dominions of the Empire to withdraw, if they so desire, from certain commercial treaties by which they are at present bound without the power of withdrawing apart

from the United Kingdom. I enclose herewith, for your information, copy of the despatch which is now being sent to certain

of His Majesty's Representatives abroad, instructing them to open negotiations in this sense with the Government to which they are accredited, and explaining the reasons which have induced His Majesty's Government to raise this question.

* No. 212.

† Not printed: for the despatch as sent see Enclosure 1 in No. 222.

As you are doubtless aware, the Colombian Commercial Treaty of 1866 is one of those treaties from which the Dominions cannot at present withdraw separately, and in my despatch, No. 6, Commercial, of the 30th May, 1907, I instructed your predecessor to ascertain from the Colombian Government whether they would be prepared to grant the Dominions this right of separate withdrawal which they enjoy in all the more recent treaties concluded by His Majesty. In his reply, dated the 26th March, 1908, the Minister for Foreign Affairs, while not definitely refusing this proposal, called attention to the privileged position which the inhabitants of a withdrawing Dominion could continue to enjoy in Colombia under the Treaty in their capacity as British subjects. His Majesty's Government were not desirous at that time of entering into a discussion on the subject, and the question of the withdrawal of the Dominions was, for the time being, allowed to drop.

You will observe, however, that in his above-mentioned note Senor Urrutia seemed to imply that the Colombian Government would be prepared to forgo their objections to the separate withdrawal of the Dominions, if in return His Majesty's Government would agree to abstain from claiming, under the most-favoured-nation clauses in the Treaty, equal treatment for British goods to that accorded to the goods of limitrophe powers.

His Majesty's Government are prepared to make this concession if necessary in order to secure for the Dominions the right of separate withdrawal.

I request, therefore, that you will now approach the Minister for Foreign Affairs once again on the question of withdrawal of the Dominions, using, as far as you consider necessary or desirable, the arguments set forth in the accompanying despatch to His Majesty's Representatives abroad. You should, however, avoid, as far as possible, all discussion respecting the status, under the Treaty, of the inhabitants of a Dominion which might so withdraw. In the event of His Excellency reverting to this point, you should, without actually disputing the statement made by Senor Urrutia in 1908, endeavour to persuade him of the insignificance of the question involved, and of the improbability of its ever arising in practice. If he still persists in his objections, you are authorised, while calling his attention to Senor Urrutia's Note in 1908, to inform him that, as an important concession, His Majesty's Government will be willing to abstain from claiming, under Article III. and IV. of the Treaty of 1866, the same treatment for British goods as that which may be accorded to goods of Powers conterminous with Colombia, on condition that in return the Colombian Government agreed for their part to the separate withdrawal of the Dominions from the Treaty, in the event of any of them wishing to adopt such a course.

You should be careful to make it clear, however, that in these circumstances His Majesty's Government would undertake to refrain from pressing their rights to unconditional most-favoured-nation treatment in Colombia solely in regard to such privileges as may be accorded to conterminous States, and that there can be no question of their waiving those rights in any other particular.

I have, &c.,

25633

No. 215.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 5 August, 1911.)

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of the following paper: His Majesty's representative at Mexico, July 17, 1911: (Withdrawal of Australian Commonwealth from Anglo-Mexican Treaty of Commerce).

Reference to previous letter: Colonial Office, June 20, 1911 (19750).*

Foreign Office,
August 4, 1911.

* No. 208.

Enclosure in No. 215.

(Commercial. No. 46.)

SIR,

Mexico, 17th July, 1911.

I HAVE the honour to acknowledge receipt this day, of your despatch, No. 10, Commercial, and in reply, to transmit to you, herewith, copy of the Note which, in accordance with your instructions, I have at once addressed to the Mexican Government, informing them of the wish of the Government of Australia to withdraw from the Anglo-Mexican Commercial Treaty of November 27th, 1888.

I have, &c.,

T. B. HOHLER.

The Right Honourable

Sir Edward Grey, Bart., M.P.,
&c. &c., &c.

(No. 116.)

M. LE SOUS SECRÉTAIRE.

Mexico, July 17th, 1911.

WITH reference to the Note which I received from Senor Creel, the then Minister for Foreign Affairs, dated the 9th of March last, in which I was informed that the Mexican Government saw no objection to the withdrawal of the Government of the Commonwealth of Australia from the Treaty of Friendship, Commerce and Navigation of November 27th, 1888, between Great Britain and Mexico, I have now the honour to inform you that I am instructed by my Government to state, that the Government of the Commonwealth hereby notify their withdrawal from the said Treaty, in accordance with the terms of Article XVI. which it contains.

I am also directed to point out to the Mexican Government that Queensland is one of the States of the Commonwealth which are at present bound by the Treaty, though no mention of that State was made in the Note from Senor Creel to which I have referred above.

Begging that you will be good enough to take formal note of this communication,

I avail, &c.,

T. B. HOHLER.

24394

No. 216.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 222.]

SIR,

Downing Street, 10 August, 1911.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of 25th July,* enclosing a draft despatch to His Majesty's Ambassador at Rome instructing him to approach the Italian Government with a view to allowing the self-governing Dominions to withdraw from the Commercial Treaty of 1883, if they should so desire.

Mr. Harcourt observes that the draft follows the lines of the draft circular enclosed in your letter of 18th July.† It does not, however, appear to him that this line of reasoning applies with much cogency to the Italian case, which differs in two very important respects from the others. In the first place, the Italian Treaty did not come to apply by the operation of causes over which the Colonial Governments had no control, but was voluntarily accepted by the Colonies which adhered, and it is easy, therefore, for the Italian Government to reply that those who accept a bargain must abide by it. In the second place, the Italian Government has, in fact, recently (see Foreign Office to Colonial Office, 18th February, 1910,‡) declined to agree to the withdrawal of Australia, and the fact that the various British Governments have met together and passed a resolution in favour of withdrawal does not appear in itself to supply an argument to induce the Italian Government to surrender an agreement to which they appear to attach importance.

I am to enclose, for Sir E. Grey's consideration, a redraft§ of the instructions modified to meet these considerations as far as possible.

I am, &c.,

C. P. LUCAS.

* No. 213.

† No. 212.

‡ No. 162 in Dominions No. 19.

§ Not printed: for the despatch as sent see Enclosure 1 in No. 222.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by Nos. 222 and 243.]

SIR,

Downing Street, 11 August, 1911.

I AM directed by Mr. Secretary Harcourt to request you to inform Secretary Sir Edward Grey that he has given careful consideration to your letter of 18th July* and the draft circular despatch which it enclosed on the subject of the withdrawal of the self-governing Dominions from certain treaties.

I am to observe that the resolution of the Imperial Conference refers in terms only to commercial treaties, and that some difficulty arises from the fact that several of the treaties given in the list enclosed in your letter are in part political, *e.g.*, the old treaties with Denmark and Sweden are treaties of alliance. It has not been claimed on behalf of the Dominions, and His Majesty's Government would doubtless decline to admit, that a Dominion is entitled to adhere to, or withdraw from, a political treaty, and the precise wording of the Protocol which is to grant the right of withdrawal from these treaties is therefore of some importance.

The purpose of the Dominions is, as Mr. Harcourt understands, to secure in respect of the old treaties the same liberty which they at present possess under modern treaties owing to the operation of the "Colonial clause." The effect of that clause is to enable a Dominion by declining to adhere to, or by withdrawing from, a treaty, to strike foreign goods with any duties which it may be thought fit to impose, goods from the Dominions being, of course, at the same time liable to any duties which the foreign Government may think fit to impose. The adherence or withdrawal, however, of a Dominion does not, it will be remembered, affect the personal status of any British subject, as was made clear in the opinion of the Law Officers of 4th April, 1911,† a copy of which is enclosed for facility of reference.

It seems to Mr. Harcourt that the purpose of the Dominions will be adequately served, and the provision for withdrawal will not be unduly extended in scope, if the Colonial clause as it is given in the Model Treaty (see confidential papers‡ printed in connection with the Colonial Conference, 1907) is taken as the basis of the proposed Protocol. That clause has a local, not a personal, application, and applies to goods only with a certain local origin.

I am to enclose, therefore, for Sir E. Grey's consideration, a redraft§ of the despatch altered to make those points clearer. It will be observed that the redraft contains no reference to navigation, which is not mentioned in the resolution of the Conference, and which raises some difficult questions. It is true that, at the desire of the Australian Government, the Austrian Government was asked to allow the Commonwealth to withdraw from the Navigation Treaty of 1868, but the Austrian Government enquired in reply whether the object was to prepare the way for a preferential treatment of British vessels as against those of other nations. To this enquiry the Commonwealth, which undoubtedly contemplated such a preference and the closing of the coasting trade to foreign vessels, has not, as Sir E. Grey pointed out at the Conference (p. 337 [Cd. 5745]), replied, while the Italian Government when approached in a similar manner has definitely declined to permit withdrawal (Foreign Office to Colonial Office, 18th February, 1910||). As long as the Italian Government persist in their refusal to amend the Italian Treaty, which, as the Australian Colonies voluntarily acceded, differs from the treaties which form the subject of the draft despatch, it would seem that the liberation of the Commonwealth from the Austrian Treaty would be of little value, as indeed Mr. Fisher expressly said at the Conference (p. 339). I am further to observe that if the Australian reply to the Austrian enquiry is to be in the affirmative, the policy is one which, in view of the danger of retaliation to British shipping, would be as little welcome to His Majesty's Government as to the Austrian Government. In this connection I am to refer to p. 135, *et seq.*, of the Conference Proceedings [Cd. 5745], which show that when the Australian delegates pressed to be allowed to take differential measures against foreign shipping (p. 135) and introduced a resolution referring to navigation laws (p. 144) Mr. Buxton explained (p. 137) that the Australian policy exposed

* No. 212. † No. 137 in Vol. VII. of Law Officers' Opinions. ‡ Miscellaneous No. 208.
§ Not printed: for the despatch as sent see Enclosure 2 in No. 222.
|| No. 162 in Dominions No. 19.

British shipping to most serious dangers, and all reference to navigation laws was omitted in the resolution as finally passed (p. 152).

Mr. Harcourt would suggest, therefore, that the despatch should not be sent to Vienna, and that when he sends a copy of the circular as finally settled to the Commonwealth Government he should explain that, in the absence of a reply to the Austrian enquiry, and pending a reconsideration by the Italian Government of their refusal, it did not seem that any practical purpose would be served by again approaching the Austrian Government.

With regard to the list of treaties I am to observe that Mr. Harcourt presumes that Muscat has been omitted because, although Australia has asked to be allowed to withdraw, the accession of certain Australian States being voluntary, as in the Italian case, the withdrawal stands on a different basis. I am to refer to the Foreign Office letter of 13th September, 1909,* and connected correspondence, and to enquire how this matter now stands.

With regard to the French Treaty of 1826, I am to enquire whether, in Sir E. Grey's opinion, the Franco-Canadian Convention printed in [Cd. 5021] does not affect this treaty as far as Canada is concerned.

Mr. Harcourt presumes that the effect of Article 2, paragraph 2, of the Persian Treaty of 9th February, 1903, is to leave in force Article 9 of the Treaty of 4th March, 1857, so far as it refers to most-favoured-nation treatment of British subjects as distinguished from British goods.

I am to add that a separate letter† is being addressed to you with regard to the Italian Treaty.

I am, &c.,
C. P. LUCAS.

27802

No. 218.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 24 August, 1911.)

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith, with reference to Foreign Office letter of 4 August, 1911,‡ copy of the following paper:—His Majesty's Representative at Mexico, August 5, 1911: (Withdrawal of Australia from Anglo-Mexican Treaty).

Foreign Office,
August 23, 1911.

Enclosure in No. 218.

(Commercial. No. 57.)

SIR,

Mexico, 5 August, 1911.

WITH reference to your despatch, Commercial, No. 10, of the 4th ultimo, respecting the withdrawal of the Commonwealth of Australia from the Anglo-Mexican Commercial Treaty of the 27th of November, 1888, I have the honour to transmit, herewith, copy and translation§ of a note from Señor Carbajal y Rosas, the Acting Secretary for Foreign Affairs, stating that the Mexican Government have taken due note of the withdrawal of the Commonwealth from the Treaty in question.

I have, &c.,
T. B. HOHLER.

The Right Honourable
Sir Edward Grey, Bart., M.P.,
&c., &c., &c.

(Translation.)

Ministry for Foreign Affairs, Mexico,

MONSIEUR LE CHARGÉ D'AFFAIRES,

4 August, 1911.

IN reply to your note, No. 116 of the 17th of July last, in which you communicate to me, by instructions from your Government, the decision of the Australian

* No. 37 in Dominions No. 11. † No. 216. ‡ No. 215. § Translation only printed.

Federation relative to their withdrawal, in so far as the Federation are concerned, from the Treaty of Friendship, Commerce, and Navigation concluded between Mexico and Great Britain on the 7th (*sic*) of November, 1888, I have the honour to inform you that this Government take due note of the aforesaid decision, which is in accordance with the provisions contained in Article 14 of the Treaty referred to.

I have, &c.,

B. CARBAJAL Y ROSAS,

Sub-Secretary in charge of the Department.

27802

No. 219.

AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(No. 390.)

MY LORD,

Downing Street, 1 September, 1911.

IN continuation of my despatch, No. 283 of the 12th of July,* I have the honour to transmit to Your Excellency, for the information of your Ministers, copy of a despatch† from His Majesty's Representative at Mexico on the subject of the withdrawal of the Commonwealth from the Anglo-Mexican Commercial Treaty of 1888.

I have, &c.,

L. HARCOURT.

27802

No. 220.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 738.)

(New Zealand. No. 305.)

(Union of South Africa. No. 490.)

(Newfoundland. No. 205.)

[MY LORD] [SIR,]

Downing Street, 1 September, 1911.

WITH reference to previous correspondence on the subject of the withdrawal of the self-governing Dominions from treaties with foreign Powers, I have the honour to request [Your Excellency] [you] to inform your Ministers that the Government of Mexico have accepted the proposals of His Majesty's Government that the Commonwealth of Australia should be permitted to withdraw from the Treaty of Commerce and Navigation of November 27, 1888, between the United Kingdom and Mexico; and that notice of withdrawal was given to the Mexican Government by His Majesty's Representative on the 17th of July last.

I have, &c.,

L. HARCOURT.

25499

No. 221.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 225.]

SIR,

Downing Street, 19 September, 1911.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 3rd of August,‡ forwarding the draft of a despatch to His Majesty's Minister at Bogota on the subject of the withdrawal of the Oversea Dominions from the Anglo-Colombian Treaty of 1866.

2. In reply, I am to request that you will inform Secretary Sir E. Grey that it appears to Mr. Harcourt to be desirable that His Majesty's Minister at Bogota should be provided with a copy of the Opinion of the Law Officers of the Crown, dated 4th April, 1911,§ on the question of the rights of British subjects in the self-governing

* No. 211.

† Enclosure in No. 218.

‡ No. 214.

§ No. 137 in Vol. VII. of Law Officers' Opinions.

Dominions under commercial treaties, and that he should be informed that, whilst it is unnecessary for him to enter into a discussion as to the status of British subjects, he should avoid the use of any language which could be construed as departing from the position of His Majesty's Government as defined by the Law Officers, and, if he is pressed on the point, should re-assert that position as laid down in the Law Officers' Opinion.

3. I am to add that Mr. Harcourt will leave it to Sir Edward Grey to decide whether an offer to abandon most-favoured-nation treatment so far as special concessions to limitrophe Powers are concerned should be made without referring the question to the Cabinet.

I am, &c.,

C. P. LUCAS.

34243

No. 222.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received October 24, 1911.)

[Answered by No. 224.]

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copies of the under-mentioned papers relating to the withdrawal of Colonies from Commercial Treaties:—

(1) To Sir R. Rodd, No. 118, Commercial, October 20, 1911.

(2) To His Majesty's Representatives in certain countries, October 20 (and enclosure).

Reference to previous letter: Colonial Office, August 11, 1911.*

Foreign Office,

October 23, 1911.

(Similar letter sent to Board of Trade.)

Enclosure 1 in No. 222.

(No. 118. Commercial.)

SIR,

Foreign Office, 20th October, 1911.

THE Treaty which was concluded between the United Kingdom and Italy on June 15th, 1883, is, as you are aware, binding not only on the United Kingdom but also on the following self-governing Dominions of the Empire, viz., the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, and also on the Colony of Newfoundland. These Governments adhered to it specially, but they do not appear to have the power of withdrawing from it apart from the United Kingdom.

In my despatch, No. 47, Commercial, of the 30th November, 1909, I requested your Excellency to enquire of the Italian Government whether they would be prepared to agree to Australia withdrawing from the Treaty, and you will recollect that the Italian Government replied that they could not recognise such a withdrawal as possible in view of the wording of the Treaty, and that it must remain dependent on the denunciation of the Treaty by Great Britain, which was, as the Italian Minister for Foreign Affairs justly remarked, undesirable in the interests of both countries. Since then His Majesty's Government has had reason to study the whole question of the obligations of the self-governing Dominions of the Empire under existing commercial treaties, and more particularly under the Italian Treaty of 1883.

His Majesty's Government, I should explain, have for some years past always, whenever concluding commercial treaties with foreign Powers, provided both for the separate adhesion and the separate withdrawal of the various Dominions and Colonies. In these cases, therefore, the Dominions can be set free whenever they so desire. It is only from the older treaties that the Dominions are unable to withdraw separately. At the Imperial Conference which was recently held in

* No. 217.

London, and which was attended by the Prime Ministers of the self-governing Dominions, viz., Canada, Australia, New Zealand, the Union of South Africa, and the Colony of Newfoundland, a resolution was unanimously passed by the Conference requesting His Majesty's Government to open negotiations with the several foreign Governments having commercial treaties which apply to the oversea Dominions, with a view to securing liberty for any of these Dominions which may so desire to withdraw from the operation of the treaty without impairing the treaty as respects the rest of the Empire.

His Majesty's Government are naturally, in the common interests of the United Kingdom and Italy, most unwilling to denounce the existing treaty entirely, and they, therefore, recur to the suggestion that it may be possible as an alternative to arrange to give the self-governing Dominions of the Empire that power of independent action which they enjoy under all the treaties concluded in recent years by His Majesty's Government. The simplest method of attaining this end would probably be found in the signing of a protocol on the lines of the draft herewith enclosed. Such protocols have, as you are doubtless aware, been already concluded with certain countries.

In the case of such Dominions as may exercise the suggested right of withdrawal from their present obligations under the treaty, His Majesty's Government will, of course, if it is desired, consider in consultation with them the negotiation of a fresh agreement to take the place of the present treaty. In fact, a convention regulating the commercial relations between a single Dominion of the Empire on the one hand and a foreign Power on the other would be no new departure, for His Majesty has already, at the request of the Canadian Government, concluded a commercial convention with France, and informal arrangements have been made with other countries, including Italy.

I request that you will explain to the Italian Government the reasons which have prompted His Majesty's Government to raise this question again, and that you will, at the same time, enquire of them whether they are prepared to sign a protocol to the proposed effect.

I am, &c.,
E. GREY.

His Excellency
The Right Honourable
Sir J. Rennell Rodd, G.C.V.O., K.C.M.G.,
&c., &c., &c.

Enclosure 2 in No. 222.

(Commercial.)

Sir, Foreign Office, 20 October, 1911.
and THE treaties [treaty] which were [was] concluded between Great Britain
on

are [is], as you are doubtless aware, binding not only on the United Kingdom but also on all His Majesty's dominions.

There are several such commercial treaties still in force. Some of them are of very ancient date, such as the Danish and earlier Swedish Treaties, and were concluded at a time when His Majesty's present self-governing Dominions had not been settled or acquired, and in some cases not even discovered. Even in the case of the more recent treaties, the rapid economic and political development which has characterised all the self-governing Dominions during the last twenty years or so has completely transformed the conditions prevailing at the time of their conclusion.

It is evident that when they were negotiated the elementary stage of the economic development of the Colonies, and their complete dependence on the mother country, made it unnecessary to stipulate for any special provisions on their behalf, such, for instance, as the power of separate adhesion and withdrawal. Since then, however, the Colonies possessing a large white population have, in accordance with the usual British constitutional practice, been granted complete self-government, which confers full power to make laws for the peace, order, and good government of the Colony, including the right of fixing the Customs tariff and other matters affecting trade and revenue. The Governments of the self-governing Dominions consider, therefore, that, in order that they may have the complete liberty of action which their self-government implies, the time has now come to revise those treaties

regulating their commercial relations which have not been applied to them by their own consent.

His Majesty's Government, I may explain, have for some years past been in the habit, when concluding commercial treaties with foreign Powers, of stipulating for both the separate adhesion and the separate withdrawal of the various Dominions and Colonies. In these cases, therefore, the Dominions can be set free whenever they so desire. From the older treaties, however, the Dominions, as already pointed out, are unable to withdraw separately. At the Imperial Conference which was recently held in London, and which was attended by the Prime Ministers of the self-governing Dominions, viz., Canada, Australia, New Zealand, the Union of South Africa, and the Colony of Newfoundland, a resolution was unanimously passed by the Conference requesting His Majesty's Government to open negotiations with the several foreign Governments having commercial treaties which apply to the oversea Dominions, with a view to securing liberty for any of these Dominions which may so desire to withdraw from the operation of the treaty without impairing the treaty as respects the rest of the Empire.

His Majesty's Government are naturally, in the common interest of the United Kingdom and the foreign States in question, most unwilling to denounce existing treaties entirely, and they therefore trust that it may be possible as an alternative to arrange with the Government to which you are accredited so to modify their treaties [treaty] with Great Britain of

as to give the self-governing Dominions of the Empire that power of independent action which they enjoy under all the treaties concluded in recent years by His Majesty's Government. The simplest method of attaining this end would probably be found in the signing of a protocol on the lines of the draft herewith enclosed. Such protocols have, as you are doubtless aware, been already concluded with certain countries.

In the case of such Dominions as may exercise the suggested right of withdrawal from their present obligations under the treaty, His Majesty's Government will of course, if it is desired, consider in consultation with them the negotiation of a fresh agreement to take the place of the present treaty. In fact, a convention regulating the commercial relations between a single Dominion of the Empire on the one hand and a foreign Power on the other would be no new departure, for His Majesty has already at the request of the Canadian Government concluded a commercial convention with France, and informal arrangements have been made with other countries.

I request that you will explain to the Government to which you are accredited the reasons which have prompted His Majesty's Government to raise this question, and that you will at the same time enquire of them whether they are prepared to sign a protocol to the proposed effect.

I have, &c.,
E. GREY.

His Majesty's Representatives at BUENOS AIRES, PANAMA (for COSTA RICA), PARIS, TANGIER, THE HAGUE, TEHERAN, LIMA, ST. PETERSBURG, BERNE, CARACAS, STOCKHOLM, COPENHAGEN, and VIENNA.

DRAFT PROTOCOL

Declaration between the Governments of Great Britain and
relating to the amendment of the treaty [treaties] of commerce of

WHEREAS it is desirable that liberty should be reserved to certain of His Britannic Majesty's Dominions to withdraw from the treaty [treaties] between Great Britain and of without impairing the validity of the treaty [treaties] as between on the one hand and the United Kingdom and those other parts of His Britannic Majesty's Dominions which may desire to remain bound by the said treaty [treaties] on the other, the Government of His Britannic Majesty and the Government of hereby agree that the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, and the Colony of Newfoundland may withdraw from the treaty [treaties] or any one of them] separately, at any time on giving twelve months' notice to that

effect. Nevertheless, the goods produced or manufactured in each of the said British Dominions shall enjoy in complete and unconditional most-favoured-nation treatment, so long as the British Dominion in question shall accord to goods the produce or manufacture of treatment as favourable as it gives to the produce or manufacture of any other foreign country.

In witness whereof the undersigned have signed the present declaration and have affixed thereto their seals.

Done at

34243

No. 223.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 885A.)

(New Zealand. No. 373A.)

(Australia. No. 477A.)

(Newfoundland. No. 249A.)

(Union of South Africa. No. 588A.)

[MY LORD],

Downing Street, 1 November, 1911.

[SIR],

I HAVE the honour to transmit to you, to be laid before your Ministers, a copy of the 19th Resolution of the Imperial Conference, 1911, respecting the securing of liberty for the self-governing Dominions, if they desire, to withdraw from certain commercial treaties binding on them without impairing the validity of the treaties for the rest of the Empire.

2. I enclose a list of the treaties in question, together with copies of a despatch to His Majesty's Embassy in Italy and of a despatch* to His Majesty's Embassies or Legations in the Argentine Republic, Austria-Hungary, Denmark, France, Morocco, Russia, Sweden, Switzerland, and Venezuela.

3. Your Ministers will observe that the treaties with Bolivia, Colombia, Costa Rica, Mexico, Norway, and Peru have not been made the subject of despatches in this connection. A new treaty is now being negotiated with Bolivia which contains the Clause now customary providing for the separate accession and withdrawal of Dominions and Colonies. Separate negotiations are in progress with Colombia, with the object of giving effect to the Conference resolution in the case of that country. Action on the treaties with Norway, Costa Rica, and Peru has been suspended for the moment, pending further consideration of certain points of difficulty in regard to them. As regards the treaty with Mexico, I have to refer to my despatch [No. 738] [No. 390] [No. 490] [No. 305] [No. 205], of the 1st September,† from which it will be seen that the Mexican Government have agreed to the Commonwealth of Australia withdrawing from the Treaty. Correspondence as to the withdrawal of the other Dominions, if they desire, is proceeding. The Treaty with Muskat (March 19, 1891) has not been included in the list, as it is doubtful how far it is affected by the Conference resolution, and as there is in any case a prospect of its early termination.

4. It will be seen also that the list of treaties does not include the Austro-Hungarian Treaty of Navigation (April 30, 1868). It will be remembered that the resolution of the Conference referred in terms only to commercial treaties, the primary purpose of the Dominions being, as His Majesty's Government understand, to secure in respect of the old treaties the same liberty of action in regard to customs arrangements which they possess under modern treaties owing to the operation of the Clause providing for their separate accession and withdrawal, the effect of such withdrawal being to enable a Dominion to strike foreign goods with any duties which it sees fit to impose, subject, of course, to the same liberty on the part of foreign countries.

5. The despatches of which copies are enclosed accordingly contain no reference to navigation, which is not mentioned in the Conference resolution, and which raises questions of much difficulty. At the desire of the Government of the Commonwealth of Australia the Government of Austria-Hungary was asked to allow the Commonwealth to withdraw from the Navigation Treaty of 1868, but that Government enquired in reply whether the object was to prepare the way for the preferential treatment of British vessels as against those of other nations. To this

* Enclosures in No. 222.

† No. [219] [220].

enquiry the Commonwealth Government has not, as Sir E. Grey pointed out at the Conference (p. 337 [Cd. 5745]) replied, while the Italian Government, when approached in a similar manner, declined to permit withdrawal. So long as the Italian Government persist in this attitude, it would appear that the liberation of the Commonwealth (or the other Dominions) from the Austrian Treaty would be of little value, as indeed the Premier of the Commonwealth expressly said at the Conference (p. 339). Further, if the reply of the Commonwealth to the Austrian enquiry is to be in the affirmative, the policy is one which, in view of the danger of retaliation to British shipping, would require most serious consideration. In this connection, I may with advantage again refer to the proceedings of the Imperial Conference, 1911 (pages 135, 137, 144). In view of the above considerations, His Majesty's Government have thought it proper to deal with the question on the commercial side only, and to make no reference to the Austro-Hungarian Navigation Treaty of 1868.

6. I have to add that a despatch in identical terms is being addressed to all the Governments represented at the Conference.

I have, &c.,

L. HARCOURT.

Enclosure 1 in No. 223.

XIX. COMMERCIAL TREATIES.

That His Majesty's Government be requested to open negotiations with the several foreign Governments having commercial treaties which apply to the overseas Dominions, with a view to securing liberty for any of those Dominions which may so desire to withdraw from the operation of the treaty without impairing the treaty in respect of the rest of the Empire.

Enclosure 2 in No. 223.

LIST OF TREATIES CONTAINING COMMERCIAL CLAUSES BINDING ON ALL OR CERTAIN OF THE DOMINIONS, FROM WHICH THEY CANNOT WITHDRAW.

The Treaties the dates of which are enclosed in brackets are those to which the Dominions had the option to adhere.

Treaties.	Dominions bound by Treaties.	When terminable.
ARGENTINE CONFEDERATION. February 2, 1825	Canada, Australia,* New Zealand, Union of South Africa,† Newfoundland.	No time fixed.
AUSTRIA-HUNGARY. December 5, 1876 (Commerce)	Ditto	After 12 months' notice.
BOLIVIA. September 29, 1840	Ditto	No time fixed.
COLOMBIA. February 16, 1866	Ditto	After 12 months' notice.
COSTA RICA. November 27, 1849 (Articles 5, 6, and 7 terminated).	Ditto	No time fixed, except as regards the expired articles.

* The term "Australia" includes all the States now forming part of the Australian Commonwealth—that is, the States of the Australian continent and Tasmania. According to the Law Officers' Report of December 2, 1907, addressed to the Colonial Office, treaties to which any one of these States adhered before confederation are binding on the Commonwealth in respect of the State concerned.

† By the South Africa Union Act of 1909 treaties binding any one of the component Provinces before their absorption into the Union devolve upon the Union in respect of the Province concerned.

‡ No. 89 in Vol. VII. of Law Officers' Opinions.

Treaties.	Dominions bound by Treaties.	When terminable.
DENMARK. February 13, 1660-61 ... July 12, 1670 ...	Ditto ...	No time fixed.
FRANCE. January 26, 1826 (with additional Articles).	Canada, Australia, New Zealand, Union of South Africa, Newfoundland.	After 12 months' notice.
ITALY. [June 15, 1883]	Australia in respect of New South Wales, Victoria, Queensland, Tasmania, Western Australia; New Zealand; Union of South Africa in respect of Transvaal, Natal, and Orange Free State.	Ditto.
MEXICO. [November 27, 1888]	Australia in respect of Victoria, Western Australia, Tasmania, South Australia, Queensland; Union of South Africa in respect of Transvaal, Natal and Orange Free State; Newfoundland.	Ditto.
MOROCCO. General Treaty. December 9, 1856. Commercial Treaty. December 9, 1856.	Canada, Australia, New Zealand, Union of South Africa, Newfoundland. Ditto ...	No time fixed.
NORWAY. March 18, 1826 ...	Ditto ...	Ditto.
PERU. April 10, 1850 (Articles 3, 4, 5, and 6 terminated).	Ditto ...	No time fixed, except as regards Articles 3 to 6, inclusive.
RUSSIA. January 12, 1859 ...	Canada, Australia, New Zealand, Union of South Africa, Newfoundland.	After 12 months' notice.
SWEDEN. April 11, 1654 ... July 17, 1656 ... October 21, 1661 ... February 5, 1766 ... March 18, 1826 ...	Ditto ... Ditto ... Ditto ... Ditto ... Ditto ...	No time fixed. After 12 months' notice.
SWITZERLAND. September 6, 1855 ...	Ditto ...	Do.
VENEZUELA. April 18, 1825 ...	Ditto ...	No time fixed.*

* His Majesty's Government have for many years contended that it could not be terminated without their consent.

34243

No. 224.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, 1 November, 1911.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 23rd October,† enclosing copies of despatches addressed to His Majesty's Embassies and Legations abroad with the object of obtaining power for the self-governing Dominions to withdraw from certain commercial treaties in pursuance of the 19th Resolution of the Imperial Conference of 1911.

2. I am to transmit to you, to be laid before Sir E. Grey, copies of despatches addressed to the Governments of the self-governing Dominions on this question and am to add the following observations on certain of the treaties under consideration.

3. It will be observed that the treaties with the Netherlands (March 6, 1856) and with Persia (March 4, 1851) have been cut out of the list. The first of these

† No. 222.

‡ No. 223.

treaties appears to be a purely consular treaty. The relevant article of the second of them (Article IX.) must be read in conjunction with the later treaty of February 9th, 1903 (Article 11, second paragraph). The combined effect is to give the self-governing Dominions freedom in tariff matters in respect of Persia and to bind them to give most-favoured-nation treatment to Persia only in respect of consuls and in the treatment of subjects. As stated in the letter from this Department of the 11th of August,* Mr. Harcourt does not consider that the resolution of the Imperial Conference was designed to secure liberty for the self-governing Dominions in other than tariff matters. It is, accordingly, not necessary to deal with the Netherlands and Persian treaties, and I am to suggest that the despatches to The Hague and to Teheran should be cancelled.

4. I am also to suggest that further consideration should be given to the treaties with Costa Rica (November 27, 1849) and Peru (April 10, 1850). The articles of those treaties which stipulated for most-favoured-nation treatment in respect of goods have been terminated. The wording of the articles of the treaties which remain in force (e.g., Articles II-IV. of the Costa Rica Treaty and Article II. of the Peru Treaty) is ambiguous, but it seems to be doubtful whether it would prevent a Dominion from striking imports from those countries with duties higher than those imposed on the imports of the most favoured nation. The termination of the articles dealing specifically with duties points to this conclusion, and it is for Sir E. Grey's consideration whether the despatches dealing with these treaties should also not be suspended for further consideration of the matter.

5. It is understood that further enquiries are being made as regards the treaties with Norway and with Muskat. The latter treaty has not been included in the list, as it is doubtful whether it affects the liberty of the Dominions regarding customs duties and as it may be terminated at an early date.

I am, &c.,

H. W. JUST.

35742

No. 225.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received November 4, 1911.)

[Answered by No. 226.]

SIR,

Foreign Office, November 4, 1911.

WITH reference to your letter of the 19th September (No. 25499/11),† respecting the withdrawal of the overseas Dominions from the Anglo-Colombian Treaty of 1866, I am directed by Secretary Sir E. Grey to say that he is prepared to insert the following further sentence in the draft despatch‡ to His Majesty's Minister at Bogota at the end of the third sentence in Section 3:—"While avoiding the use of language which could be construed as departing from the views stated in the accompanying Report of the Law Officers of the Crown,‡ which is sent for your confidential information only."

Sir E. Grey, however, regrets that he cannot see his way to instruct His Majesty's Minister "if pressed on the point, to reassert the position as laid down in the Law Officers' Opinion," as proposed in your letter. He is of the opinion that it would not be desirable, except in some case of unavoidable necessity, to press on foreign Governments the opinions held by the Law Officers as to the scope of existing Commercial Treaties; and in the present case it is evident that if His Majesty's Representative at Bogota were instructed or empowered to make statements of the kind suggested in your letter, the success of the negotiations would be seriously imperilled. Sir E. Grey considers, therefore, that Mr. Wyndham should only be authorised to make statements of this description on the receipt of special instructions, which would require to be carefully framed to meet the circumstances of any particular case which may arise.

I am, &c.,

W. LANGLEY.

* No. 217.

† No. 221.

‡ Enclosure in No. 214.

‡ No. 137 in Vol. VII. of Law Officers' Opinions.

35742

No. 226.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 231.]

SIR, Downing Street, 10 November, 1911.
I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 4th of November,* on the subject of the withdrawal of the overseas Dominions from the Anglo-Colombian Treaty of 1866.

2. In reply, I am to request you to inform Secretary Sir E. Grey that Mr. Harcourt does not desire to press the insertion in the despatch to His Majesty's Representative at Bogota of the words: "if pressed . . . opinion," but he would suggest that the words: "without actually disputing" might be misleading, as they would give His Majesty's Minister the impression that His Majesty's Government do actually dispute the correctness of Senor Urrutia's statement in 1908, and I am accordingly to enclose for Sir E. Grey's consideration a redraft† of the paragraph of the despatch which would appear to carry out more precisely the intention of His Majesty's Government.

I am, &c.
HENRY LAMBERT,
for the Under-Secretary of State.

36919

No. 227.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received November 16, 1911.)

[Answered by No. 235.]

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of a despatch from Mr. Hohler, Mexico, dated October 21, 1911: (Withdrawal of Newfoundland and Natal from Anglo-Mexican Commercial Treaty).

Reference to previous letter: To Colonial Office, August 23, 1911.†

Foreign Office,
November 15, 1911.

Enclosure in No. 227.

(Commercial. No. 79.)

SIR, Mexico, October 21st, 1911.
I HAVE several times enquired the opinion, unofficially, of the Mexican Government in regard to the point raised in your despatch, No. 12, of July 24th last, namely, whether they would be prepared to allow the other self-governing Dominions which have adhered to the Anglo-Mexican Treaty of 1888, viz., Newfoundland and South Africa, on behalf of Natal, to withdraw from the said Treaty, in the event of their desiring to do so.

The Foreign Secretary this afternoon told me that he could find no objection to their doing so, provided always that they gave a twelve months' notice of their intention, in accordance with the provisions of Article XVI. of the Treaty.

I have, &c.,
T. B. HOHLER.

* No. 225. † See paragraph beginning "I request, therefore," in the enclosure in No. 231.
‡ No. 218.

36924

No. 228.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received November 16, 1911.)

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of a telegram from His Majesty's Minister, Stockholm, No. 9, Commercial, November 11: (Withdrawal of Colonies from Anglo-Swedish Treaty).

Reference to previous letter: To Colonial Office, October 23, 1911.*

Foreign Office,
November 15, 1911.

(Similar letter sent to Board of Trade.)

Enclosure in No. 228.

Sir C. SPRING-RICE, Stockholm, No. 9, Commercial, 11th November, 1911.
(Decypher.)

Your despatch, No. 35.

Minister for Foreign Affairs informs me that Swedish Government accept the proposed declaration relative to treaty of commerce. Shall I thank?

37000

No. 229.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received November 17, 1911.)

[Answered by No. 236.]

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and is directed by the Secretary of State for Foreign Affairs to transmit the accompanying copy of a note from the Swiss Minister regarding the position of His Majesty's Dominions under treaties.

The Secretary of State would be glad to be advised what answer should be returned to M. Carlin.

Reference to previous letter: To Colonial Office, November 15, 1911.†

Foreign Office,
November 16, 1911.

Enclosure in No. 229.

3, Portland Place, Londres, W.,
le 10 Novembre, 1911.

MONSIEUR LE SECRÉTAIRE D'ÉTAT,

PAR note du 31 Octobre dernier, la Légation de Sa Majesté Britannique à Berne a proposé au Conseil fédéral suisse d'ouvrir des négociations en vue de la révision du Traité d'établissement et de commerce conclu entre la Suisse et la Grande-Bretagne le 6 Septembre 1855. Aux termes de la suggestion faite par la Légation britannique, mon Gouvernement est requis de donner son assentiment à ce que les "Dominions" autonomes du Canada, de la Fédération australienne, de Nouvelle-Zélande, de l'Union sud-africaine, et de Terre-Neuve soient autorisés à se retirer du dit Traité séparément et à n'importe quelle époque moyennant dédit donné douze mois à l'avance.

Occupé à examiner la proposition dont il s'agit, mon Gouvernement désirerait savoir si d'autres "Dominions," outre le Canada, ont déjà conclu des ententes com-

* No. 222.

† No. 227.

merciales avec des Pays étrangers et quelles sont celles conclues, à ce jour, par le Canada.

En ayant, sur l'ordre de mon Gouvernement, l'honneur de faire appel aux extrêmes bons offices de Votre Excellence aux fins d'obtenir ces informations, je vous prie d'agréer, &c.

Son Excellence

Sir Edward Grey, Bart., M.P.,
&c., &c., &c.

CARLIN.

26454

No. 230.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 237.]

SIR,

Downing Street, 17 November, 1911.

MR. Secretary Harcourt's attention has been called to the fact that in the instructions sent by telegraph to Mr. Carden at Guatemala on September 3rd, 1909 (Foreign Office letter 13th September*), with regard to the giving of notice of withdrawal on behalf of the Australian States from the Treaty of 1887 with Honduras, no mention was made of Victoria, though that Colony adhered to the Treaty.

2. Mr. Harcourt would therefore suggest that the Government of Honduras should be asked to concur in the inclusion *ex post facto* of Victoria in the notice given by Mr. Carden. The alternative would be to await the ratification of the new treaty, which will *ipso facto* terminate the operation of the Treaty of 1887 as extended by subsequent arrangement, but unless there is an early prospect of ratification, Mr. Harcourt would prefer, subject to any observations which Secretary Sir E. Grey may have to offer, that the Government of Honduras should be asked to allow His Majesty's Government to correct the accidental omission made in the notification of 1909.

I am, &c.,

H. W. JUST.

37532

No. 231.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received November 22, 1911.)

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of a despatch to Mr. Wyndham (Bogota), dated November 16, 1911: (Anglo-Colombian Commercial Treaty).

Reference to previous letter: Colonial Office, November 10, 1911.†

Foreign Office,

November 21, 1911.

(Similar letter sent to Board of Trade.)

Enclosure in No. 231.

(No. 9. Commercial.)

SIR,

Foreign Office, November 16th, 1911.

HIS Majesty's Government have recently had under consideration the question of taking steps to enable the self-governing Dominions of the Empire to withdraw, if they so desire, from certain Commercial Treaties by which they are at present bound without the power of withdrawing apart from the United Kingdom. I enclose herewith for your information copy of the despatch‡ which has been sent to certain of His Majesty's Representatives abroad, instructing them to

* No. 37 in Dominions No. 11.

† No. 226.

‡ Enclosure 2 in No. 222.

open negotiations in this sense with the Government to which they are accredited, and explaining the reasons which have induced His Majesty's Government to raise this question.

As you are doubtless aware, the Colombian Commercial Treaty of 1866 is one of those Treaties from which the Dominions cannot at present withdraw separately, and in my despatch No. 6, Commercial, of the 30th May, 1907, I instructed your predecessor to ascertain from the Colombian Government whether they would be prepared to grant the Dominions this right of separate withdrawal which they enjoy in all the more recent treaties concluded by His Majesty. In his reply dated the 26th March, 1908, the Minister for Foreign Affairs, while not definitely refusing this proposal, called attention to the privileged position which the inhabitants of a withdrawing Dominion would continue to enjoy in Colombia under the Treaty in their capacity as British subjects. His Majesty's Government were not desirous at that time of entering into a discussion on this subject, and the question of the withdrawal of the Dominions was for the time being allowed to drop. You will observe, however, that in his above-mentioned note, Senor Urrutia seemed to imply that the Colombian Government would be prepared to forgo their objections to the separate withdrawal of the Dominions if in return His Majesty's Government would agree to abstain from claiming, under the most favoured nation clauses in the Treaty, equal treatment for British goods to that accorded to the goods of limitrophe Powers. His Majesty's Government are prepared to make this concession if necessary, in order to secure for the Dominions the right of separate withdrawal.

I request, therefore, that you will now approach the Minister for Foreign Affairs once again on the question of withdrawal of the Dominions, using as far as you consider necessary or desirable the arguments set forth in the accompanying despatch to His Majesty's Representatives abroad. You should, however, avoid as far as possible all discussion respecting the status, under the Treaty, of the inhabitants of a Dominion which might so withdraw. In the event of His Excellency reverting to this point, you should, while avoiding the use of language which could be construed as departing from the views stated in the accompanying report of the Law Officers of the Crown,* which is sent for your confidential information only, or as disputing the statement made by Senor Urrutia in 1908, endeavour to persuade him of the insignificance of the question involved and of the improbability of its ever arising in practice. If he still persists in his objections, you are authorised, while calling his attention to Senor Urrutia's note in 1908, to inform him that, as an important concession, His Majesty's Government will be willing to abstain from claiming, under Articles III. and IV. of the Treaty of 1866, the same treatment for British goods as that which may be accorded to goods of Powers continuous with Colombia on condition that in return the Colombian Government agree, for their part, to the separate withdrawal of the Dominions from the Treaty, in the event of any of them wishing to adopt such a course.

You should be careful to make it clear, however, that in these circumstances His Majesty's Government would undertake to refrain from pressing their rights to unconditional most favoured nation treatment in Colombia solely in regard to such privileges as may be accorded to continuous States, and that there can be no question of their waiving those rights in any other particular.

I am, &c.,

E. GREY.

P. C. H. Wyndham, Esq.,

&c., &c., &c.

36919

No. 232.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada. No. 939.)

(New Zealand. No. 391.)

(Australia. No. 508.)

[SIR] [MY LORD],

Downing Street, 24 November, 1911.

WITH reference to my despatch, No. [738] [390] [305], of the 1st September,† I have the honour to request [Your Royal Highness] [Your Excellency] [you] to

* No. 137 in Vol. VII. of Law Officers' Opinions.

† No. [219] [220].

inform your Ministers that the Mexican Government have agreed to permit any of the self-governing Dominions which adhered to the Anglo-Mexican Treaty of 1888 to withdraw from the Treaty, provided that twelve months' notice of the intention to withdraw is given, in accordance with the provisions of Article XVI. of the Treaty.

I have, &c.,
L. HARCOURT

36919

No. 233.

NEWFOUNDLAND.

THE SECRETARY OF STATE to THE GOVERNOR.

[Answered by 29364 in Dominions No. 45.]

(No. 266.)

SIR,

Downing Street, 24 November, 1911.

WITH reference to my despatch, No. 205, of the 1st September,* I have the honour to request you to inform your Ministers that the Mexican Government have agreed to allow the withdrawal of any of the self-governing Dominions which adhered to the Anglo-Mexican Treaty of 1888, provided that twelve months' notice of an intention to withdraw is given, in accordance with the provisions of Article XVI. of the Treaty, by His Majesty's Government on behalf of any Dominion.

2. I shall be glad to learn whether your Ministers desire that Newfoundland should withdraw from the Treaty.

I have, &c.,
L. HARCOURT.

36919

No. 234.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Answered by No. 265.]

(No. 616.)

MY LORD,

Downing Street, 24 November, 1911.

WITH reference to my despatch, No. 490, of the 1st September,* I have the honour to request your Excellency to inform your Ministers that the Mexican Government have agreed to permit the self-governing Dominions which have adhered to the Anglo-Mexican Treaty of 1888 to withdraw from the Treaty if they desire to do so, provided that His Majesty's Government give twelve months' notice on their behalf in accordance with the provisions of Article XVI. of the Treaty.

2. The Treaty is applicable to the Union in respect of the Province of Natal, as it was made applicable to Natal under Article XIV., and it is also applicable, under Article XIV., in respect of the Transvaal and Orange Free State Provinces

on the principle explained in the third paragraph of my predecessor's despatches† noted in the margin.

Transvaal, No. 449.
Orange River-Colony, No. 168, 24 December, 1908.

I have, &c.,
L. HARCOURT.

36919

No. 235.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 238.]

SIR,

Downing Street, 25 November, 1911.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 15th November,‡ on the subject of the withdrawal of the self-governing Dominions from the Anglo-Mexican Commercial Treaty of the 7th November, 1888.

* No. 220.

† No. 71 in Dominions No. 7.

‡ No. 227.

2. Mr. Harcourt observes that the application made to the Mexican Government and accepted by them, as reported in Mr. Hohler's despatch of the 21st October, refers to the Union of South Africa in respect only of Natal, but I am to point out that, in view of the general wording of Article 14 of the Treaty, it is clear that the Transvaal and the Orange River Colony fell under the operations of the Treaty when they became part of His Majesty's dominions, and that it will, therefore, be necessary that the Union should be permitted to withdraw in respect of the Transvaal and the Orange Free State Provinces as well as in respect of Natal. In this connexion I am to invite reference to the similar case of the Anglo-Egyptian Convention which is dealt with in the correspondence terminating with the letter from this Office of the 14th of May, 1908.*

3. In view of the reply of the Mexican Government, it does not seem likely that any difficulty will arise, but Mr. Harcourt would suggest that the point should be brought to the notice of His Majesty's Minister, so that he can, if necessary, explain matters to the Government of Mexico. Mr. Harcourt has addressed the despatches† of which copies are enclosed to the Dominion Governments, stating the steps which have been taken in the matter.

I am, &c.,
H. W. JUST.

37000

No. 236.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 240.]

SIR,

Downing Street, 25th November, 1911.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 16th of November,‡ forwarding a copy of a note from the Swiss Minister enquiring whether others of the self-governing Dominions besides Canada have entered into commercial agreements with foreign Powers, and what are the agreements made by Canada up to date.

2. In reply, I am to state that the only formal Conventions concluded to regulate trade between one self-governing Dominion and a foreign Power are the Conventions made with France on behalf of Canada in 1907 and 1909, which are contained in Parliamentary Paper [Cd. 5021].

3. I am, however, to enclose a copy of the Canadian Tariff Act, 1907, together with a copy of the Canada "Gazette," of June, 1910, containing certain correspondence as to trade relations between the Dominion and Belgium, the Netherlands, and Italy respectively. For similar correspondence as to Germany I am to refer to the letter from this Department of the 1st of March, 1910,§ and for reductions of duties on certain articles in favour of the United States to the Foreign Office letter of the 16th of April, 1910.¶ A spare copy of a Canadian official paper containing the tariff arrangement made with Germany is enclosed (see pp. 34-44). It is for Sir E. Grey to consider whether, in view of the informal character of these latter arrangements, they may be properly referred to in answering the Swiss Government.

4. There is also the Convention made between the Governor of the Transvaal, with the authority of His Majesty's Government, and the Government of Mozambique, which is published in Parliamentary Paper [Cd. 4587]. This Convention, however, is a special case, as, in respect of Customs duties, it merely continues the arrangements existing under the 1875 Treaty between Portugal and the South African Republic.

I am, &c.,
HENRY LAMBERT,
for the Under-Secretary of State.

* 15704: not printed.

† Nos. 232, 233, and 234.

‡ No. 229.

§ 6017: not printed.

¶ 11306: not printed.

38428

No. 237.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received November 29, 1911.)

[Answered by No. 239.]

SIR,

Foreign Office, November 28th, 1911.

WITH reference to your letter of the 17th instant (No. 26454),* respecting the withdrawal of Victoria from the Anglo-Honduran Commercial Treaty of 1887, I am directed by Secretary Sir Edward Grey to transmit to you herewith, a copy of a telegram from His Majesty's Minister at Guatemala with regard to the prospects of ratifying the new Treaty.

In view of the probable early ratification of this Treaty, I am to enquire whether Mr. Secretary Harcourt agrees with Sir E. Grey that it would be preferable not to approach the Honduran Government, at any rate at present, on the subject of the withdrawal of Victoria from the old Treaty.

I am, &c.,
F. A. CAMPBELL.

Enclosure in No. 237.

Mr. CARDEN (Guatemala) to Sir EDWARD GREY.

(Received November 26, 8 a.m.)

(No. 1. Commercial.) R.

November 25, 1911. Your telegram No. 2, Commercial. Honduras Congress will reassemble 1st January. Treaty of commerce will be submitted for their approval in early part of that month.

38884

No. 238.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received December 4, 1911.)

[Answered by No. 241.]

SIR,

Foreign Office, December 2, 1911.

I AM directed by Secretary Sir E. Grey to acknowledge the receipt of your letter, No. 36919, of the 25th ultimo,† on the subject of the withdrawal of the self-governing Dominions from the Anglo-Mexican Commercial Treaty of November 7th, 1888.

I am to state, in reply, that Sir E. Grey agrees with Mr. Harcourt that the Union of South Africa is bound by the treaty in respect of the Transvaal and the Orange River Colony as well as in respect of Natal. In view of the friendly attitude adopted by the Mexican Government in the matter and of the fact that His Majesty's Government have approached them on several occasions recently in connexion with this question, Sir E. Grey considers that it would be desirable to reserve any communication respecting the obligations of the Transvaal and the Orange River Colony under the treaty until the moment arrives, if it ever does arrive, when the Union of South Africa desires to withdraw from the treaty.

I am to enquire whether Mr. Harcourt concurs in this course being adopted.

A copy of this correspondence will be sent to His Majesty's Chargé d'Affaires at Mexico City.

I am, &c.,
LOUIS MALLET.

* No. 230.

† No. 235.

38428

No. 239.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, 3 December, 1911.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 28th ult.,* and to state that he concurs in Sir E. Grey's view that it would be preferable not to approach the Government of Honduras, at any rate for the present, on the subject of the withdrawal of the Commonwealth of Australia as regards Victoria from the Anglo-Honduran Commercial Treaty of 1887.

I am, &c.,
HENRY LAMBERT,
for the Under-Secretary of State.

39417

No. 240.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received December 9, 1911.)

[Answered by No. 244.]

SIR,

Foreign Office, December 8th, 1911.

WITH reference to your letter of November 25th (37000),† on the subject of the withdrawal of the self-governing Dominions from certain commercial treaties, I am directed by Secretary Sir E. Grey to inform you that the Swiss Minister called at this Office on the 6th instant and enquired whether it was intended by the draft protocol of which a copy was sent to you in the Foreign Office letter of October 23rd‡ to secure the right of the Dominions to withdraw from the whole of the Anglo-Swiss Treaty of September 6th, 1855, or only from Articles 8, 9, and 10, which were the only strictly commercial articles in the Treaty. It was gathered from what Monsieur Carlin said, that the Swiss Government would probably not raise any objection to either alternative, but they are in doubt as to the exact meaning to be attached to the words in the protocol.

Sir E. Grey would be glad to be informed with as little delay as possible of Mr. Harcourt's views on the subject, and to learn whether he considers that the wording of the protocol should be altered to make the point clear, or that the protocol should be signed as it stands, provided the Swiss Government agree, and its precise application defined in an exchange of notes.

I am, &c.,
LOUIS MALLET.

38884

No. 241.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, 11 December, 1911.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 2nd of December,§ on the subject of the withdrawal of the self-governing Dominions from the Anglo-Mexican Commercial Treaty of November 27th, 1888.

2. In reply, I am to request that you will inform Secretary Sir Edward Grey that Mr. Harcourt concurs in the view that it is not necessary to make any communication to the Mexican Government respecting the obligations of the Union of South Africa in respect of the Transvaal and Orange Free State Provinces under the Treaty unless and until the Government of the Union of South Africa request

* No. 237.

† No. 236.

‡ No. 222.

§ No. 238.

His Majesty's Government to secure their withdrawal from the operation of the Treaty.

I am, &c.,
H. W. JUST.

40014

No. 242.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received December 14, 1911.)

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of the following paper:—Sir C. Spring Rice, Stockholm, No. 136, Commercial, November 29, 1911 (Enclosure in original): (Withdrawal of Dominions from Commercial Treaties between United Kingdom and Sweden).

Reference to previous letter: To Colonial Office, October 23, 1911.*

Foreign Office,

December 13, 1911.

(Similar letter sent to the Board of Trade.)

Enclosure in No. 242.

(No. 136. Commercial.)

SIR,

Stockholm, November 29th, 1911.

WITH reference to your despatch, No. 43, Commercial, of November 22nd, I have the honour to enclose herewith the signed Declaration, in English and Swedish,† respecting the separate withdrawal of any of the self-governing Dominions from the commercial treaties governing the relations between the United Kingdom and Sweden.

I have, &c.,
CECIL SPRING RICE.

The Right Honourable

Sir E. Grey, Bart., M.P.,

&c., &c., &c.

DECLARATION between the Governments of Great Britain and Sweden relating to the Amendment of the Treaties of Commerce of the 11th of April, 1654, the 17th of July, 1656, the 21st of October, 1661, the 5th of February, 1766, and the 18th of March, 1826.

Whereas it is desirable that liberty should be reserved to certain of His Britannic Majesty's Dominions to withdraw from the Treaties between Great Britain and Sweden of the 11th of April, 1654, the 17th of July, 1656, the 21st of October, 1661, the 5th of February, 1766, and the 18th of March, 1826, without impairing the validity of the Treaties as between Sweden on the one hand and the United Kingdom and those other parts of His Britannic Majesty's Dominions which may desire to remain bound by the said Treaties on the other, the Government of His Britannic Majesty and the Government of Sweden hereby agree that the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, and the Colony of Newfoundland may withdraw from the Treaties or any one of them separately at any time on giving twelve months' notice to that effect. Nevertheless, the goods produced or manufactured in each of the said British Dominions shall enjoy in Sweden complete and unconditional most-favoured-nation treatment, so long as the British Dominions in question shall accord to goods the produce or manufacture of Sweden treatment as favourable as it gives to the produce or manufacture of any other foreign country.

In witness whereof the undersigned have signed the present Declaration and have affixed thereto their seals.

Done at Stockholm, November 27, 1911.

* No. 222.

† English version only printed.

40174

No. 243.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received December 16, 1911.)

[Answered by No. 248.]

SIR,

Foreign Office, December 15, 1911.

WITH reference to your letter, No. 23660/1911, of August 11th last,* respecting the right of withdrawal of the self-governing Dominions from certain Treaties, I am directed by Secretary Sir E. Grey to inform you that he has learnt unofficially from His Majesty's Minister at Copenhagen, that the Danish Government have raised three points with regard to the proposed Protocol.

The objections raised are the following:—

- (1) The draft Protocol is considered to be one-sided, inasmuch as it only gives the British Dominions the right to withdraw, but does not accord to the Danish Government the corresponding right to denounce the existing Treaties with regard to one or all of the British Dominions without impairing the validity of the said Treaties as between Denmark and the United Kingdom.
- (2) It seems that the most-favoured-nation treatment which shall, according to the draft Protocol, be granted as between Denmark and that or those British Dominions which may have denounced the present Treaties for their part shall only be based upon the free will of the said Dominions, which may consequently bring it to an end whenever they like, whereas Denmark can only abolish it by denouncing the whole of the existing Treaties with the United Kingdom.
- (3) In order to render the Protocol more clear it might be desirable to add an explicit stipulation, that Danish produce shall unconditionally (*eo ipso*) be entitled to any favour which a British Dominion, having denounced the present Treaties with Denmark, has accorded or shall in the future accord to the produce of any other foreign country by special agreement, whether gratuitously or in return for special concessions from the other country.

Sir E. Grey would be glad if Mr. Secretary Harcourt would furnish him with his observations on these points. I am to state that the Danish argument as regards the first point appears to him to be reasonable, and that the third point, on the understanding that it is a definition of the "most-favoured-nation" treatment referred to in the Protocol, appears reasonable also. The second objection would, of course, be removed if the wishes of the Danish Government with regard to the first point be met.

I am, &c.,
LOUIS MALLET.

39417

No. 244.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 245.]

SIR,

Downing Street, 15 December, 1911.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 8th of December,† on the subject of the withdrawal of the self-governing Dominions from Commercial Treaties.

2. In reply, I am to state that, in Mr. Harcourt's opinion, the Swiss Minister should be informed that the wish of His Majesty's Government is that the whole of the Treaty should cease to be applicable to any Dominion in respect of which notice of intention to withdraw is given by His Majesty's Government in accordance with the proposed Protocol.

3. At the same time I am to state that Mr. Harcourt's attention has been drawn to the position of Papua and of Norfolk Island in connexion with the with-

* No. 217.

† No. 240.

drawal of the Commonwealth from the Swiss and similar treaties. Papua has been a Colony since 1888 and Norfolk Island since 1788, and both these places are clearly bound by all treaties which mention Colonies in general terms. Papua is now under the administration of the Commonwealth of Australia, while Norfolk Island is administered by the Governor of New South Wales. It is, however, contemplated that Norfolk Island will ultimately be annexed to the Commonwealth of Australia. In both cases it is clearly undesirable that treaty restrictions which are not applicable to the rest of the Commonwealth should be applicable to territories which are administered, the first directly by the Commonwealth, and the second by a State Governor. It will be remembered that in the case of the Honduras Treaty of 21st January, 1887, the notice of withdrawal given at the instance of the Commonwealth Government in pursuance of the Protocol of 3rd February, 1900, included Papua as well as the five Australian States which had expressly adhered to the Treaty.

4. In these circumstances, Mr. Harcourt would suggest for Sir E. Grey's consideration, that the special position of Papua and Norfolk Island in relation to the Commonwealth should be explained to the Swiss Minister, and that His Excellency should be informed that it is desired that the power of withdrawal which is being sought in respect of the Commonwealth may be exercised, should His Majesty's Government deem such a course necessary, in respect also of Papua and Norfolk Island.

5. If Sir E. Grey concurs in the above suggestion, Mr. Harcourt would further suggest that a similar explanation of the position of Papua and Norfolk Island should be made to each of the other Governments with which arrangements have been made to permit of the withdrawal of the self-governing Dominions only from treaties, and that those Governments should be asked to permit the right of withdrawal to which they have consented in respect of the Commonwealth being exercised also in respect of Papua and Norfolk Island; this would apply to the cases of Mexico, Liberia, and Sweden. With regard to the present negotiations with various Powers to secure the right of withdrawal, Mr. Harcourt would suggest that the special position of Papua and Norfolk Island should be brought to the notice of the Governments concerned, if and when they consent to the withdrawal of the Dominions, before the formal agreement is signed.

6. On the receipt of a reply to this letter, Mr. Harcourt proposes to inform the Commonwealth Government of the steps which are to be taken in the matter, and to enquire whether notice of withdrawal should now be given in respect of Papua and Norfolk Island to the Governments of Egypt, Greece, and Paraguay.

I am, &c.,
H. W. JUST.

40824

No. 245.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received December 22, 1911.)

[Answered by No. 251.]

SIR,

Foreign Office, 21st December, 1911.

WITH reference to your letter, No. 39417/1911, of the 15th instant,* respecting the withdrawal of the self-governing Dominions from certain commercial treaties, I transmit to you herewith, to be laid before Mr. Secretary Harcourt, draft of a note which it is proposed, subject to Mr. Harcourt's concurrence, to address to the Swiss Minister, together with drafts of despatches which it is proposed to address to His Majesty's Representatives, instructing them to bring the cases of Papua and Norfolk Island to the notice of the Governments to which they are accredited with a view to securing for these places the right of withdrawal from the commercial treaties concluded between the United Kingdom and those Governments.

I am, &c.,
LOUIS MALLET.

* No. 241.

Enclosure 1 in No. 245.

DRAFT NOTE TO THE SWISS MINISTER.

[The alterations shown were suggested by the Colonial Office: see No. 251.]

SIR,

Foreign Office, December, 1911.

WITH reference to your verbal enquiry at this Office on the 6th instant as to whether, in the proposed protocol enabling His Majesty's self-governing Dominions to withdraw from the Anglo-Swiss Treaty of 1855, power would be given to withdraw from the whole Treaty or only from Articles 8, 9, and 10, I have the honour to inform you that His Majesty's Government desire to secure ~~for~~ in respect of the self-governing Dominions the right of ~~withdrawal from~~ to terminate the whole Treaty and not merely from certain articles thereof.

I have the honour to inform you further that His Majesty's Government have had under consideration, in connexion with this question, the cases of Papua and Norfolk Island, which are now under the administration of the Commonwealth of Australia and the Governor of New South Wales, respectively. ~~Norfolk Island will in all probability~~ and may ultimately be ~~annexed to~~ incorporated in the Commonwealth of Australia.

~~In both cases~~ In any case it would appear undesirable that treaty restrictions which are not applicable to the rest of the Commonwealth should be applicable to territories which are administered, the first directly by the Commonwealth, and the second by a State Governor.

I have, therefore, the honour to inform you that His Majesty's Government would be glad if the Colonies of Norfolk Island and Papua were taken to be included in the effect of the proposed protocol, so that if at any time it were deemed desirable, notice of withdrawal on their behalf could be given by His Majesty's Government as well as on behalf of the Commonwealth of Australia if the Swiss Government would consent to the addition of the following words to the Protocol:—"It is further agreed that, should the said Treaty cease in pursuance of this Protocol to be applicable to the Commonwealth of Australia, it shall also cease to be applicable to Papua and Norfolk Island, if so desired by the Government of His Britannic Majesty."

Enclosure 2 in No. 245.

DRAFT despatch to His Majesty's Representatives at Rome, Buenos Aires, Tangier, St. Petersburg, Caracas, Copenhagen, Vienna.

[The alterations shown were suggested by the Colonial Office: see No. 251.]

SIR,

Foreign Office, December, 1911.

WITH reference to ~~respecting~~ the withdrawal of His Majesty's self-governing Dominions from commercial treaties [treaty]* concluded between the United Kingdom and the Government to which you are accredited, His Majesty's Government have had under consideration the desirability of associating with the Dominions for which it is sought to secure the right of withdrawal the cases of Papua and Norfolk Island, which became Colonies in 1888 and 1788, respectively, and which are ~~clearly~~ bound by all treaties which mention Colonies in general terms. Papua is now under the administration of the Governor of New South Wales. It is, ~~however, contemplated~~ possible that Norfolk Island will both Colonies may ultimately be ~~annexed to~~ incorporated in the Commonwealth of Australia.

~~In both cases~~ In any case it is ~~clearly~~ in the opinion of His Majesty's Government undesirable that treaty restrictions which are not applicable to the rest of the Commonwealth should be applicable to territories which are administered, the first directly by the Commonwealth and the second by a State Governor.

I request, therefore, that, if the Government to which you are accredited agree to sign the proposed protocol enabling His Majesty's self-governing Dominions to withdraw from the above-mentioned commercial treaties [treaty] Your Excellency [you] will, before the formal agreement is signed, explain the cases of Norfolk Island and Papua to them with a view to securing the inclusion of these two places in the effect of the Protocol: addition of the following words to the Protocol: "It is further agreed

* The word "Treaties" in the despatches Copenhagen, Tangier, and Vienna. The word "Treaty" to the rest.

that should the said treaties [treaty] cease, in pursuance of this Protocol, to be applicable to the Commonwealth of Australia they [it] shall also cease to be applicable to Papua and Norfolk Island, if so desired by the Government of His Britannic Majesty."

Enclosure 3 in No. 245.

DRAFT despatch to His Majesty's Representatives at Stockholm, Mexico City, Monrovia.

[The alterations shown were suggested by the Colonial Office: see No. 251.]

(No. Commercial.)

SIR, Foreign Office, December, 1911.
WITH reference to respecting the withdrawal of His Majesty's self-governing Dominions from the commercial treaties [treaty]* concluded between the United Kingdom and the country to which you are accredited, I have to inform you that His Majesty's Government have had under consideration the desirability of associating with the self-governing Dominions for which it is sought to secure the right of withdrawal for the purposes of that arrangement, the cases of Papua and Norfolk Island, which became Colonies in 1888 and 1788, respectively, and which are clearly bound by all treaties mentioning Colonies in general terms. Papua is now under the administration of the Commonwealth of Australia, while Norfolk Island is administered by the Governor of New South Wales. It is, however, contemplated possible that Norfolk Island will both Colonies may ultimately be annexed to incorporated in the Commonwealth of Australia.

In both cases. In any case it is clearly undesirable that treaty restrictions which are not applicable to the rest of the Commonwealth should be applicable to territories which are administered, the first directly by the Commonwealth, and the second by a State Governor.

I request, therefore, that since the Government to which you are accredited have agreed to allow His Majesty's self-governing Dominions to withdraw from the commercial treaties [treaty] above-mentioned, you will bring the cases of Papua and Norfolk Island to their notice with a view to securing for these places also the right of similar withdrawal, that "should the treaties [treaty] cease to be applicable to the Commonwealth of Australia, they [it] shall also cease to be applicable to Papua and Norfolk Island, if so desired by the Government of His Britannic Majesty."

[To Mexico only.] I request that you will at the same time explain to the Mexican Government the cases of the Transvaal and the Orange River Colony which formed the subject of my despatches Nos. 25 and 27, Commercial, of the 5th and 14th instant.

40014

No. 246.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 1003.)	(New Zealand. No. 414.)
(Australia. No. 558.)	(Newfoundland. No. 288.)
(Union of South Africa. No. 666.)	

SIR,
MY LORD,
Downing Street, 29 December, 1911.
WITH reference to my despatch, No. [885 A] [477 A] [588 A] [373 A] [249 A], of the 1st of November,† I have the honour to transmit to [Your Royal Highness] [Your Excellency] [you], for the information of your Ministers, copy of a declaration† respecting the separate withdrawal of the self-governing Dominions from the commercial treaties between the United Kingdom and Sweden.

I have, &c.,
L. HARCOURT.

* "Treaties" to Sweden. "Treaty" to others. † No. 223. ‡ See Enclosure in No. 242.

730

No. 247.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received January 8, 1912.)

SIR, Foreign Office, 5th January, 1912.
WITH reference to a letter from this Office of the 23rd October last,* enclosing a copy of a circular addressed to His Majesty's Representatives in various countries on the subject of the withdrawal of the self-governing Dominions from certain commercial treaties, I am directed by Secretary Sir E. Grey to state, for the information of Mr. Secretary Harcourt, that this circular has now been also sent to His Majesty's Minister at Christiania, instructing him to ascertain from the Norwegian Government whether they would be willing to allow the self-governing Dominions to withdraw, should they desire it, from the Commercial Treaty of 1826.

I am to explain that the circular was not despatched to Mr. Findlay at the same time as those to His Majesty's Representatives in the other countries indicated in the above-mentioned letter from this Department, as it was at that time not quite clear whether the old Danish Treaties, concluded in the seventeenth century with Denmark when Norway was a Danish Possession, and which are binding on the Dominions, were still in force between Norway and Great Britain, as well as between Denmark and Great Britain.

This question has since been carefully considered, with the result that it has now been definitely decided that His Majesty's Government should decline to consider these treaties as being any longer in force as regards Norway.

Consequently the only commercial treaty that is in force between this country and Norway is the Treaty of 1826, and as it is equally binding on the Dominions the Norwegian Government are being now asked to consider the question of allowing the latter to withdraw from it in the event of any of them desiring to do so.

I am, &c.,
LOUIS MALLET.

40174

No. 248.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 297.]

SIR, Downing Street, 12 January, 1912.
I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 15th ultimo,† communicating the observations of the Danish Government as to the proposed protocol respecting the position of the self-governing Dominions under the Anglo-Danish Treaties.

2. The equal right of terminating commercial treaties with respect to the British possessions has been conceded in the cases of Roumania and Japan, and is recognised in the Model Draft Treaty laid before the Colonial Conference of 1907. The request of the Danish Government is, apart from all questions of precedent, reasonable, and cannot, in Mr. Harcourt's opinion, be resisted.

3. As regards the second point taken by the Danish Government, His Majesty's Government are not in a position to give any undertaking that the goods of a foreign country, not so entitled by treaty, shall receive most-favoured-nation treatment in a self-governing Dominion. On the other hand, the termination of the treaties does not necessarily imply that such treatment will be withdrawn. In the circumstances Mr. Harcourt sees no advantage in pursuing, in the case of Denmark, the proposal embodied in the draft protocol on this point.

4. If Sir E. Grey concurs in this view, it will be unnecessary to return a detailed reply to the third point taken by the Government of Denmark. It will be remembered that, though Canada accepts as a matter of practice the views of His Majesty's Government as to the interpretation of most-favoured-nation clauses, that interpretation has, as a matter of fact, been objected to by a Canadian Government (see Colonial Office to Foreign Office, 18 June, 1897‡), and is one of the reasons which have in the past been assigned by Canada for refusal to accede to a commercial

* No. 222.

† No. 243.

‡ 2042/97: not printed.

treaty, and that the whole policy on which the Canadian Intermediate Tariff is based makes it a matter of importance that the number of countries enjoying most-favoured-nation rights in Canada should be as small as possible. Sir E. Grey will, no doubt, agree that it is undesirable to explain this to the Danish Government: it is suggested for his consideration that it would be sufficient to say that in view of the answer to the second point the third point does not arise.

5. A revised draft protocol is enclosed for communication to the Danish Government if approved by Sir E. Grey. The opportunity has been taken to bring the wording more closely into accord with the phraseology of the Colonial Article now usually inserted in commercial treaties, and with the view recently expressed by the Law Officers of the Crown as to the effect of that Article on the position of British subjects connected with the Colonies.

6. An addition has been made to the protocol to cover the cases of Papua and Norfolk Island, referred to in your letter of the 21st of December,* and previous correspondence.

I am, &c.,
H. W. JUST.

Enclosure in No. 248.

DRAFT PROTOCOL.

Whereas the commercial relations between the British Empire and the Kingdom of Denmark are regulated by the Treaties of the (*here insert dates*), and whereas it is desirable to make further provision with regard to the application of the said Treaties to certain parts of His Britannic Majesty's Dominions, viz., the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, and the Colony of Newfoundland, His Britannic Majesty and the King of Denmark hereby agree that either of the contracting parties shall have the right to terminate the said Treaties with respect to any or all of the above-mentioned Dominions at any time on giving twelve months' notice to that effect.

It is further agreed that should the said treaties cease, in pursuance of this protocol, to be applicable to the Commonwealth of Australia, they shall also cease to be applicable to Papua and Norfolk Island if so desired by either of the contracting parties.

1837

No. 249.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received January 19, 1912.)

[Answered by No. 252.]

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and is directed by the Secretary of State for Foreign Affairs to transmit the accompanying copy of a despatch from His Majesty's Ambassador at Rome regarding the withdrawal of Colonies from the Anglo-Italian Treaty.

The Secretary of State would be glad to be advised what answer should be returned to Sir R. Rodd.

Reference to previous letter:—From Colonial Office, August 11th, 1911 (23660/11†).

Foreign Office,
January 18, 1912.

Enclosure in No. 249.

(No. 215. Commercial.)

SIR,

Rome, December 28, 1911.

ON receipt of your despatch, No. 118, Commercial, of October 20, I communicated to the Italian Minister for Foreign Affairs a memorandum setting forth the

* No. 245.

† No. 217.

proposals therein contained for enabling the self-governing Dominions of the Empire to withdraw from the Treaty between the United Kingdom and Italy of June 15, 1883, without impairing the Treaty as respects the rest of the Empire.

I have now the honour to enclose copy and translation of a memorandum which I have received in reply, from which it will be seen that the Italian Government are anxious to meet the wishes of His Majesty's Government in the matter, but that they consider that when one of the self-governing Dominions desires to withdraw from the Treaty it would be preferable that a definite treaty should be negotiated between it and the Italian Government rather than that there should intervene a temporary régime on the basis of the most-favoured-nation treatment.

I have, &c.,

RENNELL RODD.

The Right Hon.

Sir E. Grey, Bart., M.P.,

&c.,

&c.,

&c.

MEMORANDUM.

(Translation.)

The Royal Government has carefully examined the Memorandum from His Britannic Majesty's Embassy, dated November 2nd last, enquiring whether Italy would be disposed to agree that the British self-governing Dominions which are bound by the existing Anglo-Italian Conventions should be empowered to withdraw from them, while they would none the less remain in force as regards the rest of the Empire.

The Memorandum adds, with reference evidently to the Treaty of Commerce of 1883, that such withdrawal would take place after twelve months' notice, that the original agreement would be replaced by a reciprocal concession of the most-favoured-nation treatment, and that the central Government would, if requested, lend its good offices for the conclusion between British Dominions which had denounced the Treaty and Italy of a new treaty in place of the old one.

The Royal Government has made every effort to find means to conciliate the national interests and those of the Dominions and, above all, to meet the wishes of the British Government; and it considers that its object may be fully achieved and be given concrete form in a proposal which would be acceptable to all parties.

The Royal Government realises that each Dominion may have reasons, prompted by the needs of its products, commerce, and industries, for requiring in an international instrument the acceptance of principles and clauses which would more adequately protect its special interests; and in view of this there would be no objection to the withdrawal of one or all of them from the Commercial Agreement of 1883. But it would perhaps be inopportune and complicated temporarily to substitute the most-favoured-nation treatment for the Treaty of 1883, only, shortly afterwards, to convert this provisional arrangement into a treaty more compendious and more in harmony with the special interests of the Dominions and of Italy. It would, therefore, be better, in the opinion of the Royal Government, that the British Government should consent to take the initiative in order that the Dominion which intends to denounce the Agreement may immediately enter into negotiations with the Royal Government for the conclusion of a treaty limited to the two countries.

The procedure to be adopted would be as follows:—The Government of Great Britain would inform the Royal Government that the Dominion desirous of withdrawing from the Treaty of 1883, is ready to enter into negotiations with Italy for the conclusion of a direct treaty which would have the effect of abrogating, from the date of its enforcement, the Treaty of 1883 as far as the Dominion is concerned. The Royal Government would take act of this notification, and would at once establish the necessary understanding with the Dominion for the designation of the respective representatives and the opening of negotiations.

The Royal Government hopes that this logical and simple proposal will prove acceptable both to the Government of Great Britain and to those of the Dominions which may wish to regulate their commercial relations with Italy direct.

Ministry of Foreign Affairs,

Rome, December 24th, 1911.

No. 250.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received January 31, 1912.)

[Answered by No. 258.]

SIR,

Foreign Office, January 30, 1912.

WITH reference to the letter from this Department of the 23rd October last,* and subsequent correspondence, respecting the withdrawal of the self-governing Dominions from certain Commercial Treaties, I am directed by Secretary Sir E. Grey to transmit to you, herewith, for the information of Mr. Secretary Harcourt a copy of a despatch from His Majesty's Ambassador at Paris, reporting that the French Government are prepared to agree to such withdrawal and have submitted a draft Protocol to this effect.

As a result of private enquiries which have been made of His Majesty's Embassy, it appears that this fresh draft is intended to replace the Protocol proposed by His Majesty's Government, the last sentence of which the French Government are unable to accept, inasmuch as it would give most-favoured-nation treatment to any British Dominion which had withdrawn from an existing Treaty pending the conclusion of a new one. The French Government consider that in the event of such a position suiting a Dominion, the latter would be inclined to avoid indefinitely the conclusion of a fresh Treaty.

As Mr. Harcourt will observe, the French Minister for Foreign Affairs omits Canada from the list of Dominions wishing to have the right to withdraw from the Treaty of 1826. It seems that this omission is intentional, and is due to the fact that the French Government consider that the Franco-Canadian Convention of 1907 supersedes the older Treaty as far as Canada is concerned. The negotiations respecting this Convention, as well as those relating to the earlier Franco-Canadian Convention of 1903, contain nothing to show that the effect of these Conventions on the Treaty of 1826 was ever provided for or even considered.

In the event of its being decided to accept in principle the French counter-draft, I am to suggest for Mr. Harcourt's consideration that it would be advisable:

- (1) That it should contain a list of the Dominions who are to have the right of withdrawal, and
- (2) That either this list should include Canada, or, if no mention of Canada is made, that the Protocol should specifically state that the Treaty of 1826 is not and never will be binding on Canada.

I am, &c.,

EYRE A. CROWE.

Enclosure in No. 250.

(No. 22. Commercial.)

SIR,

Paris, January 16th, 1912.

MR. CARNEGIE addressed a note to M. de Selves on October the 25th last, in accordance with the instructions contained in your despatch, No. 240, Commercial, of the 20th October, 1911, on the subject of a modification of the Treaty of January 26th, 1826, between Great Britain and France in such a way as to liberate the self-governing Dominions, should they so desire it, from its operation.

I have the honour to transmit to you herewith copy of a note from the French Minister for Foreign Affairs in which His Excellency suggests an agreement to this effect and inquires the views held by His Majesty's Government with regard thereto.

I have, &c.,

FRANCIS BERTIE.

The Right Honourable

Sir Edward Grey, Bart., M.P.,

&c., &c., &c.

* No. 222.

Monsieur de SELVES to Sir F. BERTIE.

January 13, 1912.

MONSIEUR L'AMBASSADEUR,

PAR une lettre du 25 Octobre dernier l'honorable M. L. D. Carnegie a bien voulu me faire connaître que le Gouvernement Britannique désirait s'entendre avec le Gouvernement de la République en vue de libérer les "dominions" de Terre Neuve, de l'Afrique Australe [*sic* ?sud], d'Australie, et de Nouvelle Zélande, des stipulations contenues dans les articles additionnels à la convention franco-britannique du 26 janvier, 1826.

J'ai l'honneur de vous mander que le Gouvernement de la République propose de conclure, à cet effet, un arrangement sur les bases suivantes:

"Les dominions pourront, à toute époque, manifester leur intention de faire cesser, chacun en ce qui le concerne, les effets des articles additionnels de la convention franco-britannique du 26 janvier 1826, moyennant un préavis de douze mois, durant lesquels la situation existant actuellement au point de vue des relations douanières entre la France et le Dominion envisagé ne sera pas modifiée."

Je vous saurais gré de vouloir bien me faire connaître si le gouvernement britannique est disposé à conclure un accord dans ce sens.

Agréez, &c.,

J. DE SELVES.

40824

No. 251.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by Nos. 254 and 261.]

SIR,

Downing Street, 30 January, 1912.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 21st December,* enclosing a draft note to the Swiss Minister, stating that it is desired to secure power to arrange that the Anglo-Swiss Treaty of 1855 shall cease as a whole to be applicable to the self-governing Dominions and dealing with the cases of Papua and Norfolk Island. Draft despatches to certain representatives of His Majesty abroad with reference to Papua and Norfolk Island are also enclosed.

Mr. Harcourt would suggest, for Sir E. Grey's consideration, that the alterations shown in red in the accompanying copies of the drafts† might be made with advantage. Subject to these alterations, he concurs in the drafts.

I am, however, to observe that in the draft to His Majesty's Representative at Vienna reference is made to treaties, whereas only the Treaty of 1816 is in question.

I am, &c.,

HENRY LAMBERT,

for the Under-Secretary of State.

1837

No. 252.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered, concurring, by 4260: not printed.]

SIR,

Downing Street, 1 February, 1912.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 18th ultimo,‡ forwarding a copy of a despatch from His Majesty's Ambassador at Rome with a memorandum from the Italian Minister for Foreign Affairs, as to the position of certain of the self-governing Dominions in respect of the Anglo-Italian Treaty of 1883.

I am to enclose drafts of despatches§ which, with Sir E. Grey's concurrence, Mr. Harcourt would propose to address (1) to Canada, and (2) to the rest of the self-governing Dominions on this subject.

I am, &c.,

JOHN ANDERSON.

* No. 245. † The alterations are shown in italics and obliterated type in the Enclosures in No. 245.
‡ No. 249. § Nos. 255 and 256.

8952

No. 253.

CANADA.

THE ACTING GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received February 7, 1912.)

[Answered, July 18, by 21571 in Dominions No. 45.]

(No. 33.)

SIR, Government House, Ottawa, 24 January, 1912.
I HAVE the honour to forward herewith, for your consideration, copy of a letter from the Department of the Secretary of State for External Affairs asking for complete list of Treaties of Commerce and Navigation between the United Kingdom and foreign countries in force on 1st January, 1912, showing whether or not they apply to Canada.

I have, &c.,
C. FITZPATRICK,
Administrator.

Enclosure in No. 253.

DEPARTMENT OF EXTERNAL AFFAIRS to GOVERNOR-GENERAL'S SECRETARY.

SIR, Ottawa, 19th January, 1912.
I HAVE the honour to ask that His Royal Highness the Governor-General may be humbly moved to cause a request to be made to the Secretary of State for the Colonies that this Government may be furnished with a complete list of treaties of commerce and navigation between the United Kingdom and foreign countries in force on the 1st January, 1912, showing whether or not they apply to Canada.

I have, &c.,
JOSEPH POPE,
Under-Secretary of State for External Affairs.

3976

No. 254.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 8 February, 1912.)

[Answered by No. 272.]

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of the under-mentioned papers relating to the withdrawal of Colonies from treaties:—(1) Foreign Office to Swiss Chargé d'Affaires, February 5; (2) Foreign Office to His Majesty's Consul-General at Monrovia, and His Majesty's Representatives at Stockholm and Mexico, February 3; (3) Foreign Office to nine of His Majesty's Representatives, February 3.

Reference to previous letter: From Colonial Office, January 30, 1912 (40824/1911).*

Foreign Office,
February 7, 1912.

Enclosure 1 in No. 254.

SIR, Foreign Office, February 5, 1912.
WITH reference to Monsieur Carlin's verbal enquiry at this Office on the 6th December last, as to whether, in the proposed protocol enabling His Majesty's self-governing Dominions to withdraw from the Anglo-Swiss Treaty of 1855, power would be given to withdraw from the whole Treaty or only from Articles 8, 9, and 10, I have the honour to inform you that His Majesty's Government desire to secure in respect of the self-governing Dominions the right to terminate the whole Treaty and not certain articles thereof.

* No. 251.

I have the honour to inform you further that His Majesty's Government have had under consideration in connexion with this question the cases of Papua and Norfolk Island, which are now under the administration of the Commonwealth of Australia and the Governor of New South Wales respectively, and may ultimately be incorporated in the Commonwealth of Australia.

In any case it would appear undesirable that treaty restrictions which are not applicable to the Commonwealth should be applicable to territories which are administered, the first directly by the Commonwealth and the second by a State Governor.

I have, therefore, the honour to inform you that His Majesty's Government would be glad if the Swiss Government would consent to the addition of the following words to the protocol:—"It is further agreed that, should the said Treaty cease, in pursuance of this protocol, to be applicable to the Commonwealth of Australia, it shall also cease to be applicable to Papua and Norfolk Island, if so desired by the Government of His Britannic Majesty."

I have, &c.,
E. GREY.

Monsieur Paravicini,
&c., &c., &c.

Enclosure 2 in No. 254.

(No. 3.)
(No. 4.)
(No. 1.)
(Commercial.)

SIR, Foreign Office, February 3rd, 1912.
WITH reference to [your despatch, No. 136, Commercial of November 29th, 1911,] [Mr. Hehler's despatch, No. 79, Commercial, of October 21st, 1911,] [Mr. Wallis's despatch, No. 74, Africa, of 24th July, 1908,] respecting the withdrawal of His Majesty's self-governing Dominions from the Commercial [*Treaties] [Treaty] concluded between the United Kingdom and the country to which you are accredited,† I have to inform you that His Majesty's Government have had under consideration the desirability of associating with the self-governing Dominions for the purposes of that arrangement the cases of Papua and Norfolk Island, which became Colonies in 1888 and 1788 respectively, and which are bound by all treaties mentioning Colonies in general terms. Papua is now under the administration of the Commonwealth of Australia, while Norfolk Island is administered by the Governor of New South Wales. It is, however, possible that both Colonies may ultimately be incorporated in the Commonwealth of Australia.

In any case it is clearly undesirable that treaty restrictions which are not applicable to the Commonwealth should be applicable to territories which are administered, the first directly by the Commonwealth, and the second by a State Governor.

‡ I request, therefore, that since the Government to which you are accredited have agreed to allow His Majesty's self-governing Dominions to withdraw from the Commercial [Treaties] [Treaty] above-mentioned you will bring the cases of Papua and Norfolk Island to their notice with a view to securing that "should the [Treaties] [Treaty] cease to be applicable to the Commonwealth of Australia [they] [it] shall also cease to be applicable to Papua and Norfolk Island, if so desired by the Government of His Britannic Majesty."

To Mexico only: [I request that you will at the same time explain to the Mexican Government the cases of the Transvaal and the Orange River Colony which formed the subject of my despatches, Nos. 25 and 27, Commercial, of the 5th and 14th December.]

I am, &c.,
E. GREY.

His Majesty's Representatives at
Stockholm.
Mexico City.
Monrovia.

* "Treaties" to Sweden "Treaty" to others.
† To Monrovia, "I am directed by Secretary Sir E. Grey."
‡ To Monrovia, "I am to request."

Enclosure 3 in No. 254.

(No. [9] [6] [2] [21] [3] [5] [12] [1] [5]. Commercial.)

SIR, Foreign Office, February 3rd, 1912
 WITH reference to [Tangier: Foreign Office despatch, No. 25, Commercial, of October 20, 1911*], respecting the withdrawal of His Majesty's self-governing Dominions from Commercial [Treaties] [Treaty†] concluded between the United Kingdom and the Government to which you are accredited, His Majesty's Government have had under consideration the desirability of associating with the Dominions for which it is sought to secure the right of withdrawal the cases of Papua and Norfolk Island, which became Colonies in 1888 and 1788 respectively, and which are bound by all treaties which mention Colonies in general terms. Papua is now under the administration of the Commonwealth of Australia, while Norfolk Island is administered by the Governor of New South Wales. It is possible that both Colonies may ultimately be incorporated in the Commonwealth of Australia.

In any case it is, in the opinion of His Majesty's Government, undesirable that treaty restrictions which are not applicable to the Commonwealth should be applicable to territories which are administered, the first directly by the Commonwealth, and the second by a State Governor.

I request, therefore, that, if the Government to which you are accredited agree to sign the proposed protocol enabling His Majesty's self-governing Dominions to withdraw from the above-mentioned Commercial [Treaties] [Treaty] [Your Excellency] [you] will, before the formal agreement is signed, explain the cases of Norfolk Island and Papua to them with a view to securing the addition of the following words to the protocol:—"It is further agreed that should the said [Treaties] [Treaty] cease, in pursuance of this Protocol, to be applicable to the Commonwealth of Australia [they] [it] shall also cease to be applicable to Papua and Norfolk Island, if so desired by the Government of His Britannic Majesty."

I am, &c.,
 E. GREY.

TO HIS MAJESTY'S REPRESENTATIVES AT

ROME,
 BUENOS AIRES,
 TANGIER,
 ST. PETERSBURG,
 CARACAS,
 COPENHAGEN,
 VIENNA,
 BOGOTA,
 CHRISTIANIA.

1837

No. 255.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

[Answered by No. 276.]

(Australia. No. 74.) (New Zealand. No. 57.)
 (Union of South Africa. No. 79.) (Newfoundland. No. 32.)

MY LORD,

SIR,

Downing Street, 16 February, 1912.

WITH reference to my despatch No. [477A] [588A] [373A] [249A], of the 1st of November,† I have the honour to transmit to [Your Excellency] [you], to be laid before your Ministers, a copy of a despatch§ from His Majesty's Ambassador at Rome and a memorandum from the Italian Minister for Foreign Affairs as to the position of the self-governing Dominions in respect of the Anglo-Italian Treaty of Commerce of 1883.

* The necessary references were inserted in each despatch.

† The word "Treaties" in the despatches Copenhagen and Tangier, the word "Treaty" to the rest.

‡ No. 223.

§ Enclosure in No. 249.

Your Ministers will observe that the Italian Government have no objection to the withdrawal of one or all of the self-governing Dominions to which the Treaty is applicable, but that, in their view, it would perhaps be inopportune and complicated temporarily to substitute most-favoured-nation treatment as was contemplated in the protocol enclosed in my despatch above mentioned. They suggest, therefore, that in the event of any Dominion desiring that the Treaty should no longer be applicable to it, negotiations should at once be entered into with a view to a special agreement which would replace the Treaty in respect of Italy and that Dominion.

Your Ministers will no doubt consider the views of the Italian Government, and if they desire that the Treaty should cease to be applicable to [the Commonwealth in respect of all the States which acceded to it] [New Zealand] [the Union in respect of the Provinces of Natal, the Transvaal, and the Orange Free State] [Newfoundland], will nominate a representative or representatives who, in conjunction with His Majesty's Secretary of State for Foreign Affairs, or His Majesty's Ambassador at Rome, could negotiate a new treaty.

I have, &c.,
 L. HARCOURT.

1837

No. 256.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 119.)

SIR,

Downing Street, 16 February, 1912.

WITH reference to my despatch, No. 885A, of the 1st of November,* I have the honour to transmit to Your Royal Highness, to be laid before your Ministers, copies of correspondence† respecting the position of those of the self-governing Dominions to which the Anglo-Italian Treaty of 1883 is applicable.

This correspondence is forwarded for the information of your Ministers as arising out of a resolution moved on behalf of the Dominion of Canada at the Imperial Conference of 1911. The Dominion, of course, did not accede to the Treaty in question, and its commercial relations with Italy are at present regulated by a special and provisional arrangement.

I have, &c.,
 L. HARCOURT.

3952

No. 257.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 266.]

SIR,

Downing Street, February 19, 1912.

I AM directed by Mr. Secretary Harcourt to transmit to you, to be laid before Secretary Sir E. Grey, copy of a despatch‡ from the Governor-General of the Dominion of Canada asking for a complete list of treaties of commerce and navigation in force on January 1, 1912, showing whether or not they are applicable to Canada.

2. Mr. Harcourt would be glad to receive the information desired by the Canadian Government, and he would enquire whether it is contemplated to bring the volume of commercial treaties up to date in the near future.

I am, &c.,
 HENRY LAMBERT,
 for the Under-Secretary of State.

* No. 223.

† Enclosure in No. 249 and No. 255.

‡ No. 253.

No. 258.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 262.]

SIR,

Downing Street, 19 February, 1912.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 30th January,* respecting the termination of the additional Articles of the Treaty of 1826 with France in respect of the self-governing Dominions.

2. In reply I am to request you to inform Secretary Sir E. Grey that Mr. Harcourt considers that no useful purpose would be served by claiming, in opposition to the view understood to be held by the French Government, that the additional Articles of that Treaty should still be regarded as applicable to the Dominion of Canada. I am to transmit to you the accompanying draft of a Protocol which would appear to carry out the wishes of the French Government in this matter, and which will at the same time put on formal record the fact that the additional Articles of 1826 are not applicable to the Dominion of Canada. In accordance with recent correspondence, mention is also made in the Protocol of the cases of Papua and Norfolk Island.

I am, &c.,

HENRY LAMBERT,

for the Under-Secretary of State.

Enclosure in No. 258.

DRAFT PROTOCOL.

"Whereas it is desirable to make further provision respecting the application of the additional Articles of the Anglo-French Convention of Commerce and Navigation of 1826 to certain parts of the Dominions of His Britannic Majesty, viz., the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, and Newfoundland, His Britannic Majesty and the President of the French Republic hereby agree that His Majesty shall be entitled at any time to terminate the said additional Articles in respect of any or all of the said Dominions, on giving twelve months' notice to that effect, during which period of twelve months the commercial relations between the Republic of France and the Dominion or Dominions in respect of which notice is given shall continue to be regulated by the said additional Articles.

"It is further agreed that should the said Articles cease, in pursuance of this Protocol, to be applicable to the Commonwealth of Australia, they shall also cease to be applicable to Papua and Norfolk Island if so desired by the Government of His Britannic Majesty.

"It is further agreed that the said additional Articles are not and shall not be regarded as applicable to the Dominion of Canada."

5651

No. 259.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received February 23, 1912.)

[Answered by No. 275.]

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of a despatch from His Majesty's Minister at Caracas, No. 3, Commercial, dated January 15, 1912: (Anglo-Venezuelan Treaty, and withdrawal of His Majesty's Self-Governing Dominions).

Reference to previous letter: From Colonial Office, 11 August, 1911.†

Foreign Office,
February 22, 1912.

* No. 250.

† No. 217.

Enclosure in No. 259.

(Commercial. No. 3.)

Caracas, January 15, 1912.

SIR,

ON the receipt of your despatch, No. 9, Commercial, of October 20, 1911, I addressed a note to the Venezuelan Government embodying that despatch, and enquired whether they were willing to sign a protocol allowing the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, and the Colony of Newfoundland to withdraw from the Treaty concluded between Great Britain and Venezuela on April 18, 1825.

I have the honour to enclose a translation of the reply to this note, expressing the wish for the negotiation of a treaty instead.

I may say with regard to Article VII. of the existing treaty that, in virtue of the additional Article attached to this treaty, Venezuela was allowed for seven years, and thereafter unless repealed by Great Britain, to consider as Venezuelan ships vessels built outside Venezuela, owing to lack of facilities for building them in that country.

His Majesty's Government have so far refused to negotiate a new treaty until the 30 per cent. surtax on imports from the West Indies has been repealed.

I have, &c.,

FREDERIC D. HARFORD.

The Right Honourable

Sir Edward Grey, Bart., M.P.,

&c., &c., &c.

TRANSLATION.

(No. 47.)

United States of Venezuela, Ministry of Foreign Affairs.

Caracas, January 10, 1912.

MONSIEUR LE MINISTRE,

I HAVE the honour to answer your communication of the 24th of November of last year, in which you propose in the name of His Majesty's Government, an additional protocol to the Treaty of April the 18th, 1825, authorizing the Dominions of Canada, New Zealand, South Africa, and Newfoundland to withdraw at will from the above-mentioned Treaty of 1825, in order that these Dominions may be free to conclude commercial treaties with Venezuela, should they consider this advisable.

As you remark with much truth, the rapid development of these Dominions has completely transformed the conditions existing at the time of the conclusion of the Treaty of 1825; this on the one side, and, on the other, the essential difference in commercial practices consequent upon the progress of the age, make evident the necessity of concluding between Venezuela and Great Britain a new commercial treaty more in harmony with the present requirements of both countries.

In practice, as may be seen, the Treaty of 1825 has fallen into disuse, as it is to-day impossible to regard as national ships only such as have been built in the country itself, the ship's papers being alone consulted in determining nationality, without investigating where the vessel was built; and the anomaly becomes still more evident in the case of a warship, as the number of countries able to construct such vessels in their own dockyards is small; the practice of international law has been adopted, and neither Great Britain nor Venezuela, if the case occurred, would adhere strictly to the stipulations of Article VII. of the Treaty of 1825, on this point.

We have thus before us a treaty inadequate, in various respects, for the present time, and partial modifications, which would constantly have to be repeated, would consequently lead to nothing.

This being so, if His Majesty's Government are willing, the Government of Venezuela, on their side, will be disposed to enter upon negotiations with the view to concluding a new treaty, drawn up in accordance with modern commercial principles, and which shall consequently be in harmony with the present requirements of universal intercourse.

I avail, &c.,

M. A. MATOS.

Frederic D. Harford, Esq., C.V.O.,

&c., &c., &c.

No. 260.

AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by 28486 in Dominions No. 45.]

(No. 99.)

MY LORD,

Downing Street, 23 February, 1912.

WITH reference to previous correspondence on the subject of the withdrawal of the self-governing Dominions from certain commercial treaties, I have the honour to request Your Excellency to inform your Ministers that His Majesty's Government have had under their consideration the cases of Papua and Norfolk Island.

2. These Colonies are bound by the provisions of all treaties which are applicable to the whole of His Majesty's dominions. It has, however, been suggested to His Majesty's Government that it may be advantageous to arrange that if, and when, such treaties cease to be applicable to the Commonwealth they may also, if desired, cease to be applicable to Papua and Norfolk Island. His Majesty's Government are, therefore, proposing to the various Governments with which negotiations are being carried on in accordance with the Nineteenth Resolution of the Imperial Conference of 1911 the addition of the following words to the protocols which have been suggested:—"It is further agreed that, should the said treaty cease, in pursuance of this Protocol, to be applicable to the Commonwealth of Australia, it shall also cease to be applicable to Papua and Norfolk Island, if so desired by the Government of His Britannic Majesty."

3. As your Ministers are aware, arrangements have already been made for the termination in respect of the Commonwealth of the treaties with Greece, Egypt, Honduras, Paraguay, Liberia, and Mexico, but only in the case of Honduras has the Treaty been terminated in respect of Papua. In the cases of Greece, Egypt, and Paraguay, the power of withdrawal exists *de jure* in respect of Papua, and the necessary notice can be given as soon as your Ministers desire. In the cases of Liberia and Mexico such notice cannot yet be given, but negotiations for the conclusion of a Protocol on the lines of the addendum embodied in the foregoing paragraph have been set on foot.

4. I presume that this action will be welcome to your Ministers, and I shall be glad to learn in due course whether, as in the case of the Treaty with Honduras, they desire that Papua should cease to be bound by any treaty which has ceased to be applicable to the Commonwealth.

5. The treaty position of Norfolk Island does not appear at present to be of any practical importance, but if your Ministers think otherwise, they will, no doubt, discuss it with the Governor of New South Wales, and let me know the result in due course.

I have, &c.,

L. HARCOURT.

6111

No. 261.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 26 February, 1912.)

[Answered by No. 263.]

SIR,

Foreign Office, February 26, 1912.

WITH reference to your letter, 40824/1911, of the 30th ultimo,* respecting the withdrawal of the self-governing Dominions from certain Commercial Treaties, I am directed by Secretary Sir E. Grey to transmit to you, herewith, for the information of Mr. Secretary Harcourt, a copy of a despatch from His Majesty's Minister at Stockholm reporting that the Swedish Government have no objection to the withdrawal of Papua and Norfolk Island from the Anglo-Swedish Commercial Treaties in the event of Australia withdrawing from them.

As a protocol has already been signed with Sweden authorising the separate withdrawal of the self-governing Dominions from these treaties, I am to state that, in Secretary Sir E. Grey's opinion, an exchange of notes, modifying the protocol in

* No. 251.

the sense desired, would appear to be the most satisfactory method of recording this arrangement. I am to transmit, herewith, a draft note in this sense which Sir C. Spring Rice will, subject to the concurrence of Mr. Secretary Harcourt, be instructed to present to the Swedish Minister for Foreign Affairs.

I am, &c.,

LOUIS MALLET.

Enclosure 1 in No. 261.

(No. 12. Commercial.)

SIR,

Stockholm, February 19th, 1912.

I DID not fail to communicate to the Swedish Government the substance of your despatch, No. 3, Commercial, of February 3rd, 1912, relative to Papua and Norfolk Island, and the modification of the treaties of commerce between Sweden and Great Britain. The Political Director of the Foreign Office has informed me, in reply, that he has no doubt, under the circumstances, that the Swedish Government will have no objection to the course proposed by His Majesty's Government. He asks what procedure should be followed in the matter, and as I presume you will wish that the procedure adopted in all the countries concerned may be, as far as possible, uniform, I venture to request your instructions as to the exact form under which the proposed modification should be carried out.

Should you approve of an exchange of notes, which seems the simplest and easiest form, I should be grateful if the exact wording of my note were communicated to me in order that I might lay it before the Swedish Government for their concurrence. If, as is possible, an exchange of notes may not be considered sufficient to modify a treaty, I should be grateful if the wording of an additional convention or protocol were communicated to this Legation.

I have, &c.,

CECIL SPRING RICE.

The Right Honourable

Sir E. Grey, Bart., M.P.,

&c., &c., &c.

Enclosure 2 in No. 261.

DRAFT NOTES.

YOUR EXCELLENCY,

Foreign Office,

19

THE Protocol which I had the honour of signing with you, on behalf of His Majesty's Government, on the 27th November, grants to the Commonwealth of Australia the right to withdraw from the treaties between Great Britain and Sweden of the 11th April, 1654, the 17th July, 1656, the 21st October, 1661, the 5th February, 1766, and the 18th March, 1826, or from any of them, without thereby impairing the validity of those treaties or treaty as between Sweden on the one hand and the United Kingdom and those other parts of His Britannic Majesty's Dominions which may desire to remain bound by them on the other.

His Majesty's Government are now desirous that should the said Treaties or any one of them cease, in pursuance of the Protocol of the 27th November, 1911, to be applicable to the Commonwealth of Australia, such Treaties or Treaty should also cease to be applicable to Papua and Norfolk Island, if so desired by His Majesty's Government.

I trust, therefore, that the Swedish Government will agree to consider the provisions of the Protocol of the 27th November, 1911, as extending, subject to the conditions above indicated, to Papua and Norfolk Island.

6417

No. 262.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received February 29, 1912.)

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of a despatch to His Majesty's Ambassador at

Paris, dated February 28, 1912: (Treaty relations between France and His Majesty's Self-Governing Dominions).

Reference to previous letter: from Colonial Office, February 19 (3126/1912).*

Foreign Office,
February 29, 1912.

Enclosure in No. 262.

(No. 44.)

(Commercial.)

SIR, Foreign Office, February 28th, 1912.
WITH reference to Your Excellency's despatch, No. 22, Commercial, of the 16th ultimo, I transmit to you herewith copy of correspondence with the Colonial Office respecting the withdrawal of the self-governing Dominions from the additional Articles of the Anglo-French Commercial Treaty of 1826.

I request that Your Excellency will now submit to the French Government the draft protocol enclosed in the Colonial Office letter* and will express the hope that they will be able to accept it, since it follows on the lines suggested by Monsieur de Selves in his note to you of the 13th ultimo.

Should the French Government take exception to the stipulation contained in the last paragraph to the effect that the Additional Articles of the Anglo-French Convention of Commerce and Navigation of 1826 are not applicable to Canada, you are authorised to propose, as an alternative, that Canada should be inserted in the list of Dominions (in the first paragraph of the protocol) which are to have the right to withdraw from that Treaty.

With regard to paragraph 2 of the protocol, I would explain that His Majesty's Government have had under consideration the cases of Papua and Norfolk Island, which became Colonies in 1888 and 1788 respectively, and which are bound by all treaties mentioning colonies in general terms. Papua is now under the administration of the Commonwealth of Australia, while Norfolk Island is administered by the Governor of New South Wales. It is possible, however, that both Colonies may ultimately be incorporated in the Commonwealth of Australia. In any case, it is clearly undesirable that treaty restrictions which are not applicable to the Commonwealth should be applicable to territories which are administered, the first directly by the Commonwealth, and the second by a State Governor. I trust that, in view of these circumstances, the French Government will see no objection to extending the provisions of the proposed protocol to Papua and Norfolk Island, subject to the conditions indicated in the second paragraph of the draft now submitted.

I am, &c.,
E. GREY.

His Excellency
the Right Honourable
Sir F. Bertie, G.C.B., G.C.M.G.,
&c., &c., &c.

6111

No. 263.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by Nos. 267 and 288.]

SIR, Downing Street, 5 March, 1912.
I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 26th ultimo,† enclosing a copy of a despatch from His Majesty's Minister at Stockholm, reporting that the Swedish Government agree that if the Anglo-Swedish Treaties of commerce cease to be applicable to the Commonwealth

* No. 258.

† Nos. 250 and 258.

‡ No. 261.

of Australia they shall also cease to be applicable to Papua and Norfolk Island if His Majesty's Government so desires.

Mr. Harcourt concurs in the proposal to record this arrangement by means of an exchange of notes with the Swedish Government modifying the Protocol in the sense desired, and he also concurs in the draft note accompanying your letter.

I am, &c.,
HENRY LAMBERT,
for the Under-Secretary of State.

7417

No. 264.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received March 11, 1912.)

[Answered by No. 306.]

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of a memorandum communicated to the Japanese Chargé d'Affaires, dated March 7th, 1912, on the subject of the Anglo-Japanese Commercial Treaty.

Reference to previous letter: Colonial Office, 6036/1912, of 28th February.*

Foreign Office,
March 8th, 1912.

(Similar letter sent to Board of Trade.)

Enclosure in No. 264.

MEMORANDUM.

On the 13th ultimo the Japanese Chargé d'Affaires stated that, when the Commercial Treaty was signed between Great Britain and Japan, His Majesty's Government undertook to do all that they properly could to obtain the adhesion to the Treaty of Hong Kong, the Straits Settlements, and Ceylon.

His Majesty's Government did not fail to communicate at once with the Governments of the Colonies in question, with the result that Ceylon and the Straits Settlements have signified their readiness to adhere to the Treaty, while Hong Kong desires to defer its decision for a year or eighteen months from the date of the exchange of ratifications.

His Majesty's Government desire to take this opportunity, in order to avoid any possible misunderstanding that may arise in future, particularly in connection with the adhesion of the Colonies mentioned, to place on record that they consider that the following interpretation should be given to Articles 1 and 8 of the Treaty.

The provisions of Article 1 do not interfere with any immigration legislation that does not differentiate against Japanese as compared with persons of other foreign nationalities.

Article 8, being the only article in the Treaty which mentions the "United Kingdom" and "Japan" by name, since all the other articles refer to the "High Contracting Parties," does not apply to His Majesty's Dominions beyond the seas or Colonies.

Foreign Office,
March 7, 1912.

* 6036: not printed.

7356

No. 265.

UNION OF SOUTH AFRICA

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9 March, 1912.)

(No. 86.)

SIR, Governor-General's Office, Cape Town, 19 February, 1912.
I HAVE the honour to transmit to you herewith, with reference to your despatch, No. 616 of the 24th November,* a copy of a minute from Ministers, dated 14th February, on the subject of the Anglo-Mexican Treaty of 1888.

I have, &c.,
GLADSTONE,
Governor-General.

Enclosure in No. 265.

(Minute No. 134.)

With reference to His Excellency the Governor-General's Minute of the 18th December, 1911, enclosing a copy of a despatch from the Secretary of State for the Colonies on the subject of the Anglo-Mexican Treaty of 1888, Ministers have the honour to inform His Excellency that they do not desire to continue adherence to the above-named Treaty, to which, it may be stated, the Cape Province has never been a party, and they will, therefore, be obliged if His Excellency will notify the Secretary of State accordingly in order that His Majesty's Government may, on behalf of the Union Government, give the twelve months' notice provided for in Article 16 of the Treaty.

LOUIS BOTHA.

7658

No. 266.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received March 13, 1912.)

[Answered by No. 278.]

SIR, Foreign Office, March 12, 1912.
IN reply to your letter of the 19th ultimo, No. 3952/1912,† I am directed by Secretary Sir E. Grey to transmit to you herewith a list‡ of treaties of trade and commerce between Great Britain and foreign Powers in force on January 1st, 1912.

The list indicates those of the treaties applicable to Canada, and distinguishes between those which are unilateral and those which impose obligations on Canada.

I am to add that the question of bringing up to date the Handbook of Commercial Treaties is under consideration.

I am, &c.,
LOUIS MALLET.

7851

No. 267.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 15 March, 1912.)

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of a despatch to His Majesty's Minister, Stockholm

* No. 234.

† No. 257.

‡ Not printed.

(No. 10 Commercial), dated March 14, 1912, relating to the position of Papua and Norfolk Island in regard to Anglo-Swedish Treaties.

Reference to previous letter: From Colonial Office, March 5 (6111/1912).*

Foreign Office,
March 14, 1912.

Enclosure in No. 267.

(No. 10. Commercial)

SIR, Foreign Office, March 14th, 1912.
I HAVE received your despatch, No. 12 Commercial of the 19th ultimo, reporting that the Swedish Government have agreed that, if the Anglo-Swedish treaties of commerce cease to be applicable to the Commonwealth of Australia, they shall also cease to be applicable to Papua and Norfolk Island if His Majesty's Government so desires.

As a Protocol has already been signed with the Swedish Government authorising the separate withdrawal of the self-governing Dominions from these Treaties, an exchange of notes modifying the protocol in the sense desired would appear to be the most satisfactory method of recording this arrangement, and I transmit to you, herewith, the draft of a note† which, if the Swedish Government agree, you should address to them as soon as possible.

I am, &c.,
E. GREY.

Sir C. Spring-Rice, G.C.V.O., K.C.M.G.,
&c., &c., &c.

7939

No. 268.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received March 16, 1912.)

[Answered by No. 274.]

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and is directed by the Secretary of State for Foreign Affairs to transmit with reference to the letter from the Colonial Office, dated January 30, 1912 (40824/1911‡) the accompanying copy of a note from the Swiss Minister regarding the proposed arrangements to allow of the withdrawal of His Majesty's Dominions from the Anglo-Swiss Treaty.

The Secretary of State would be glad to be advised what answer should be returned to M. Carlin.

Foreign Office,
March 15, 1912.

Enclosure in No. 268.

Légation de Suisse, Londres, le 9 mars, 1912,
3, Portland Place, W.

MONSIEUR LE SECRÉTAIRE D'ÉTAT,
MONSIEUR Paravicini n'avait pas manqué de porter à la connaissance de mon Gouvernement le contenu de la note que Votre Excellence a bien voulu lui adresser en date du 5 février dernier, relativement aux négociations portant sur la revision du traité d'établissement et de commerce conclu entre la Suisse et la Grande-Bretagne le 6 septembre, 1855.

A ce sujet et sur l'ordre de mon Gouvernement, j'ai l'honneur d'exposer à Votre Excellence ce qui suit :

(1) Si la faculté de dénonciation à réserver aux "Dominions" doit s'étendre à la totalité des dispositions du traité et non pas seulement à celles qui ont trait aux échanges commerciaux, il y aurait évidemment lieu de remanier la rédaction du projet de protocole soumis à l'examen de mon Gouvernement.

* No. 263.

† See Enclosure in No. 261.

‡ No. 251.

En effet et dans sa deuxième partie ce projet ne prévoit le maintien réciproque de la clause de la nation la plus favorisée que par rapport aux échanges commerciaux. Cette discrétion devrait nécessairement être éliminée. Il faudrait :

ou limiter la faculté de dénonciation aux stipulations relatives aux échanges commerciaux et alors l'adjonction relative à la continuation de la clause de la nation la plus favorisée pourrait subsister telle qu'elle est proposée par le Gouvernement de Sa Majesté Britannique.

ou, si la dénonciation doit pouvoir se faire pour toutes les dispositions du traité, donner à l'adjonction dont il s'agit la même extension.

(2) Selon l'usage et pour établir l'égalité entre les deux parties contractantes, le même droit de dénonciation à créer en faveur des "Dominions" vis-à-vis de la Suisse, devrait nécessairement aussi être stipulée en faveur de la Suisse à l'égard de ces "Dominions."

(3) En ce qui concerne la Papouasie et l'île de Norfolk, dont il est fait mention dans la note de Votre Excellence du 5 février dernier, je suis heureux de pouvoir ajouter que mon Gouvernement ne demande pas mieux que de tenir compte du désir que vous exprimez.

Dans l'attente des communications que vous voudrez bien consentir à me faire avoir sur les questions soulevées sous chiffres (1) et (2) cidessus, je vous prie d'agréer, &c., &c.

CARLIN.

A Son Excellence

Sir Edward Grey, Bart., K.G.,
&c., &c., &c.

8286

No. 269.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 19 March, 1912.)

[Answered by No. 277.]

The Under-Secretary of State for Foreign Affairs present his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copies of correspondence relating to the refusal of the Japanese Government to register trade marks and patents of British subjects of Canadian or Indian birth.

(1) His Majesty's Ambassador at Tokio, No. 42, February 10, 1912.

(2) To Board of Trade, March 16.

Reference to previous letter: Foreign Office, of December 29, 1911.*

Foreign Office,

March 16, 1912.

Enclosure 1 in No. 269.

(No. 42.)

SIR,

British Embassy, Tokio, February 10th, 1912.

WITH reference to my immediately preceding despatch, No. 41, of to-day's date, on the subject of the refusal to register Hong Kong trade marks in Japan, I have the honour to enclose herewith a memorandum drawn up by the Commercial Attaché dealing with the rejection by the Patent Bureau of applications for the registration of trade marks on the part of British subjects who are of Canadian and Indian birth.

As this opens up a much larger question than is apparent on the surface, I have the honour to request your instructions as to the action I should take in the matter.

It is possible that, in case His Majesty's Government do not wish at the present moment to discuss this important issue as to whether all British subjects are entitled to the enjoyment of privileges conferred by a treaty to which the Colony in which

* 41522: not printed.

they may have been born or resided has not adhered, an engagement could be come to which, on purely reciprocal lines, would grant the same treatment in Japan as is accorded to native subjects, to individuals, or firms domiciled or registered in those Colonies which give the same treatment to Japanese as they give to British subjects in all matters relating to patents, trade marks, &c.,

On the other hand, however, the conclusion of such an agreement might prejudice our general case should His Majesty's Government subsequently decide to refer it to arbitration.

I have, &c.,

CLAUDE M. MACDONALD.

The Right Honourable

Sir Edward Grey, Bart., M.P.,

&c., &c., &c.

MEMORANDUM.

Trade Marks of non-adhering Colonies.

In Foreign Office despatch, No. 252, of December 22nd, 1911, a question was raised as to the refusal of the Japanese Patent Bureau to register the trade marks of the British Cigarette Company, registered at Hong Kong.

In this particular case it appears to me that the Japanese Patent Bureau was wrong in its refusal, because Article III. of the Industrial Property Convention of March 20th, 1883, as modified by the additional Act of December 14th, 1900, says: "Sont assimilés aux sujets ou citoyens des Etats Contractants, les sujets ou citoyens des Etats ne faisant pas partie de l'Union, qui sont domiciliés ou ont des établissements industriels ou commerciaux effectifs et sérieux sur le territoire de l'un des Etats de l'Union."

The British Cigarette Company has, I believe, a factory at Chemulpo, so that although Hong Kong is not a party to the Union, the Company claim the privileges of the Convention as a consequence of its having an industrial establishment in a Union State.

This particular Hong Kong question has been settled by the registration of the marks in the name of the British-American Tobacco Company, a sister concern, but the general question has now been raised in a new form by Mr. de Havilland, a British Patent Agent, copy of whose letter to me is enclosed herewith. Mr. de Havilland states that the Japanese Patent Bureau has declined to receive patent or trade mark applications from—

(1) Canadians born in Canada of Canadian parents;

(2) Natives of British India possessing rights as British subjects;

on the ground that both Canada and British India were specially excepted from the recent Anglo-Japanese Treaty of Commerce and Navigation.

I am inclined to think that the view of the Japanese authorities is wrong, because quite apart from the possible applicability of Article III. of the Industrial Property Convention which I have discussed above, it will be found on referring to the text of the Anglo-Japanese Treaty that Article 26 says: "The stipulations of this Treaty shall not be applicable to any of His Majesty's dominions, &c. . . ." but there is nothing in the Treaty with regard to patents or trade marks. On the other hand, Article 24 says that: "The High Contracting Parties agree, &c. . . ."

Consequently, although there is nothing in our Treaty about patents and trade marks which would make Article 26 applicable to this controversy, all British subjects are entitled to the same protection in Japan as native subjects in respect of patents and trade marks, because this protection is stipulated for in Article of the American-Japanese Treaty, and is automatically extended to British subjects by the most favoured nation provisions of our Article 24. The Japanese Patent Bureau is obviously trying to draw a distinction between British subjects born in the United Kingdom and British subjects born in the Colonies, but this distinction, although admitted as a matter of convenience in the British Consular Regulations relating to passports, is not one which is legally recognised, and I venture to suggest,

according to the opinion of the Law Officers given in the spring of 1911, Canadian-born British subjects, or Indian-born British subjects are as much entitled to claim the right to protection of their trade marks in Japan as a British subject born in the United Kingdom, provided such claim is based on the American Treaty the provisions of which we enjoy.

E. F. C.

Yokohama,
February 9th, 1912.

Registered Patent Agent for Japan and Corea,
3, Mitsu Bishi Building, Yayasuchō, Tokio, Japan,
8th February, 1912.

SIR, I HAVE the honour to request that you will kindly give me information with regard to the following matter.

The Imperial Japanese Patent Bureau officials have declined to receive patent or trade mark applications from—

- (1) Canadians born in Canada of Canadian parents;
- (2) Natives of British India possessing rights as British subjects.

The refusal is made on the ground that both Canada and British India were specially excepted from the last Anglo-Japanese Treaty of Commerce and Alliance.

Will you kindly inform me whether the Japanese authorities are correct in adopting this attitude, and, if not, what steps I can take to have matters put right? If, on the other hand, they are correct, can you inform me whether any steps are being taken by the Canadian and British Indian authorities to arrange a treaty of commerce with Japan, and whether there is any prospect of such treaty being concluded in the near future?

I have, &c.,

Per pro W. A. de Havilland,
A. F. CAHUSAC.

E. F. Crowe, Esq.,
Commercial Attaché to the British Embassy,
Yokohama.

Enclosure 2 in No. 269.

SIR, I AM directed by Secretary Sir E. Grey to transmit to you herewith, to be laid before the Board, a copy of a despatch from His Majesty's Ambassador at Tokyo, enclosing a memorandum and copies of correspondence on the subject of the refusal of the officials of the Imperial Japanese Patent Bureau to receive applications for the registration of trade marks and patents from British subjects of Canadian or Indian birth.

Sir E. Grey proposes, in the first place, and subject to the concurrence of the Board, to obtain from the Japanese Government an explicit statement as to the grounds on which their Patent Bureau refuses to accept these applications.

Sir E. Grey also proposes to forward copies of your letter, No. C. 1216, of the 26th ultimo, together with its enclosures, relative to the refusal of the Patent Bureau to register the marks of the Anglo-Indian Drug and Chemical Company, to Sir C. MacDonald, and to instruct him to refer to this case in the general enquiry which he is to address to the Japanese Government.

Copies of this letter and of the despatch have been sent to the India Office and Colonial Office.

I am, &c.,
W. LANGLEY.

The Secretary
to the Board of Trade.

COLONIAL OFFICE to FOREIGN OFFICE.

Downing Street, 16th March, 1912.

SIR, I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter, No. 425/1912, of the 8th January,* with the enclosed memorandum,† relative to the question of the form of words in which provision should be made in the future for the application of the stipulations of international conventions to the Colonies, &c., of the various signatory Powers.

2. The form of "Colonial" Article approved for general use in commercial treaties, conventions, and agreements concluded by this country with individual foreign Powers provides (a) that the stipulations of the treaty, &c., shall not be applicable to British Dominions, Colonies, Possessions, or Protectorates beyond the seas unless notice to that effect shall have been given through the usual diplomatic channel; (b) that His Majesty's Government may terminate the treaty, &c., separately in respect of any Dominion, Colony, Possession, and Protectorate; and (c) that the Island of Cyprus is for these purposes to be treated on the same footing as the British Dominions, Colonies, Possessions, and Protectorates.

3. These three provisions should, in Mr. Harcourt's opinion, be included in any International Convention where a "Colonial" Article is required. It is, however, the practice in the ordinary "Colonial" article to provide that if the treaty is to be applied to a Dominion, Colony, Possession, or Protectorate, the necessary notice must be given within a specified time. In the case of International Conventions it would be more convenient if there were no such time limit.

4. The above requirements are to a large extent met by Article XVI. (bis) of the International Convention for the Protection of Industrial Property, 1911, and Mr. Harcourt would suggest, for Sir E. Grey's consideration, that that Article might be adopted for general use in International Conventions subject to the following observations:—

- (a) It may be urged that it does not allude specifically to the self-governing Dominions. It was originally intended, with the approval of the Canadian delegates, to make the following declaration in the protocole de signature:—"Il est entendu que le mot Colonies embrasse les grandes dominions autonomes britanniques ainsi que les Colonies proprement dites." This intention was not, however, carried out, and until objection is raised Mr. Harcourt does not see why the phraseology actually employed should be regarded as inadequate for the purposes in view. If, however, the signed text of any International Convention is in English, Mr. Harcourt would wish that the usual formula Dominions, Colonies, Possessions, and Protectorates should be used.
- (b) The Island of Cyprus similarly is not mentioned, though the "right to accede for Cyprus" is reserved by a separate declaration.
- (c) The English translation of the Article speaks of acceding "on behalf of" Colonies, &c. It is important to avoid any language which implies that British Colonies have a quasi-separate international status. From this point of view, it would seem desirable not to provide for the adhesion "of" a Colony or for adhesion "on behalf of" or "in the name of" a Colony. The English translation of the Article in question would accordingly, in Mr. Harcourt's opinion, have been improved if the phrase "on behalf of" had been replaced by the phrase "in respect of" or some other colourless form of words.

I am, &c.,
H. W. JUST.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 20 March, 1912.)

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary

* 903: not printed.

† Foreign Office confidential print, 9947.

State, transmits herewith copy of a despatch from His Majesty's Minister at Mexico, dated February 27, 1912, relating to the Anglo-Mexican Treaty as affecting British Colonies.

Reference to previous letter: From Colonial Office, January 30/1912 (40824/1911).*

Foreign Office,
March 19, 1912.

Enclosure in No. 271.

(Commercial. No. 17.)

SIR, Mexico, February 27th, 1912.
I HAVE the honour to acknowledge the receipt of your despatch, No. 4, Commercial, of the 3rd instant, respecting the withdrawal of certain British Colonies from the Commercial Treaty between the United Kingdom and Mexico, and to enclose a copy of the Note which I have addressed to the Mexican Government on the subject.

I have, &c.,
FRANCIS STRONGE.

The Right Honourable
Sir Edward Grey, Bart., M.P.,
&c., &c., &c.

Mr. STRONGE to Señor CALERO.

(No. 30.)

M. LE MINISTRE, Mexico, February 27th, 1912.
WITH reference to the conversations which Your Excellency had with Mr. Hohler respecting the withdrawal of His Majesty's self-governing Dominions from the Commercial Treaty concluded between Mexico and the United Kingdom, and in connection with the Note which he addressed to Señor Carbajal on the 17th of July last, I have the honour to inform you that His Majesty's Government have had under consideration the desirability of associating with the Self-Governing Dominions for the purposes of that arrangement, the cases of Papua and Norfolk Island, which became Colonies in 1888 and 1788, respectively, and which are bound by all Treaties mentioning Colonies in general terms. Papua is now under the administration of the Commonwealth of Australia, while Norfolk Island is administered by the Governor of New South Wales. It is, however, possible that both Colonies may ultimately be incorporated in the Commonwealth of Australia. In any case it is clearly undesirable that Treaty restrictions which are not applicable to the Commonwealth should be applicable to territories which are administered, the first directly by the Commonwealth and the second by a State Governor.

On these grounds, and seeing that the Mexican Government have agreed to allow His Majesty's self-governing Dominions to withdraw from the Commercial Treaty above-mentioned, Sir Edward Grey has instructed me to bring the cases of Papua and Norfolk Island to their notice, with a view to securing that "should the Treaty cease to be applicable to the Commonwealth of Australia, it should also cease to be applicable to Papua and Norfolk Island, if so desired by the Government of His Britannic Majesty."

I have further been instructed to explain to Your Excellency that, although Mr. Hohler, in treating of the Union of South Africa in connection with this matter, referred only to Natal, it is nevertheless clear that the Transvaal and Orange River Colony fell under the operations of the Treaty when they became part of His Majesty's dominions, and that, in the event of the Union desiring to withdraw from the Treaty, it will, therefore, be necessary that it should be permitted to do so in respect of the Transvaal and the Orange Free State Provinces as well as in respect of Natal.

I avail myself, &c.,
FRANCIS STRONGE.

* No. 251.

7356

No. 272.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by Nos. 273 and 287.]

Downing Street, 21 March, 1912.

SIR, WITH reference to the despatch to His Majesty's Representative at Mexico of which a copy was enclosed in your letter of the 7th ultimo,* I am directed by Mr. Secretary Harcourt to transmit to you, for the information of Secretary Sir E. Grey, the accompanying copy of a despatch† from the Governor-General of the Union of South Africa, enclosing a copy of a Minute of Ministers, from which it appears that it is desired that notice should be given of the termination of the Anglo-Mexican Treaty of 1888, in respect of those Provinces of the Union to which it is applicable, namely, Natal, the Transvaal, and the Orange Free State.

2. Mr. Harcourt will be glad if His Majesty's Representative in Mexico can be instructed to address the necessary communication to the Government of Mexico.

I am, &c.,
H. W. JUST.

9700

No. 273.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 30 March, 1912.)

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of a despatch to Mr. Stronge, Mexico, No. 7, Commercial, dated March 28, 1912, relating to withdrawal of South Africa from Anglo-Mexican Treaty of 1888.

Reference to previous letter: Colonial Office, 7356/12, March 21, 1912‡

Foreign Office,
March 29, 1912.

Enclosure in No. 273.

(No. 7. Commercial.)

Foreign Office, March 28th, 1912.

SIR, WITH reference to Mr. Hohler's despatch, No. 79, of the 21st October last, respecting the withdrawal of the self-governing Dominions from the Anglo-Mexican Commercial Treaty of November 7th, 1888, I transmit to you herewith copy of a letter‡ from the Colonial Office respecting the desire of the Government of the Union of South Africa to withdraw from this Treaty in respect of Natal, the Transvaal, and the Orange River Colony.

The reasons for considering the Transvaal and the Orange River Colony to be bound by the Treaty are stated in the letter from the Colonial Office a copy of which was enclosed in my despatch, No. 25, Commercial, of the 5th December last. You should now explain these reasons to the Mexican Government, and express the hope that they will see their way to recognising the withdrawal not only of Natal, as originally agreed, but also that of the other two Colonies, which have now been shown to be equally bound by the Treaty.

I am, &c.,
E. GREY.

F. W. Stronge, Esq.,
&c., &c., &c.

* No. 254.

† No. 265.

‡ No. 272.

No. 274.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by Nos. 279 and 296.]

SIR, Downing Street, 2 April, 1912.
I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 15th ultimo,* enclosing a copy of a note from the Swiss Minister with regard to the proposed arrangements for securing that the Anglo-Swiss Treaty of 1855 may cease to be applicable to the self-governing Dominions and Newfoundland.

2. Mr. Harcourt would suggest, for Sir E. Grey's consideration, that the Swiss Minister should be informed that his note has been considered, and that His Majesty's Government will be glad to learn whether his Government see any objection to an amended protocol on the following lines:—

"Whereas it is desirable to make further provision with regard to the application of the Anglo-Swiss Treaty of September 6th, 1855, to certain parts of His Britannic Majesty's Dominions, viz., the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, and Newfoundland, His Britannic Majesty and the President of the Swiss Republic hereby agree that either of the contracting parties shall have the right to terminate the said Treaty with respect to any or all of the above mentioned Dominions at any time on giving twelve months' notice to that effect."

"It is further agreed that should the said Treaty cease, in pursuance of this protocol, to be applicable to the Commonwealth of Australia, it shall also cease to be applicable to Papua and Norfolk Island, if so desired by His Britannic Majesty."

I am, &c.,

HENRY LAMBERT,

for the Under-Secretary of State.

5651

No. 275.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR, Downing Street, 3 April, 1912.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 22nd of February,† transmitting copy of a despatch from His Majesty's Minister at Caracas on the subject of the withdrawal of the self-governing Dominions from the Treaty of 1825 with Venezuela.

2. In reply, I am to request that you will inform Secretary Sir Edward Grey that, in Mr. Harcourt's opinion, unless Sir E. Grey sees any objection, His Majesty's Minister should be instructed to inform the Venezuelan Government that if the surtax of 30 per cent. which His Majesty's Government regard as a violation of the Treaty of 1825 is removed, His Majesty's Government will be prepared to enter on the discussion of a new treaty to take the place of the Treaty of 1825.

I am, &c.,

H. W. JUST.

10560

No. 276.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received April 6, 1912.)

[Copy to Foreign Office and Board of Trade, April 16, 1912. L.F.]

(No. 141.)

Governor-General's Office, Cape Town,

SIR, 18th March, 1912.
I HAVE the honour to transmit to you herewith, with reference to your despatch, No. 79, of the 16th February,‡ a copy of a minute from Ministers, dated

* No. 268.

† No. 259.

‡ No. 255.

15th March, 1912, on the subject of the Anglo-Italian Treaty of Commerce of 1883.

I have, &c.,

GLADSTONE,

Governor-General.

Enclosure in No. 276.

(Minute No. 222.)

15th March, 1912.

With reference to His Excellency the Governor-General's minute No. 62/103 of the 6th March, 1912, on the subject of the position of the self-governing Dominions in respect of the Anglo-Italian Treaty of Commerce of 1883, Ministers have the honour to request His Excellency the Governor-General to inform the Secretary of State for the Colonies that they do not desire that the Treaty should no longer be applicable to the Union, so far as the Provinces of Natal, the Transvaal, and the Orange Free State are concerned.

LOUIS BOTHA.

8286

No. 277.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by 24940 in Dominions No. 45.]

SIR, Downing Street, 9 April, 1912.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 16th March,* forwarding copy of correspondence on the subject of the refusal of the Japanese Patent Bureau to receive applications for the registration of trade marks and patents from British subjects of Canadian and Indian birth.

2. The action of the Japanese Patent Bureau raises the general question of the position, under a Commercial Treaty, of British subjects connected by birth, residence, or otherwise with a Colony to which under the operation of the Colonial Article the Treaty is not applicable. The views of the British Government on the subject were explained to the Japanese Government in 1899. Mr. Harcourt concurs, however, in the proposal that in the first instance the Japanese Government should be asked to furnish an explicit statement as to the grounds on which the Japanese Patent Bureau refuses to accept these applications, but as the general question is one to which Mr. Harcourt attaches the greatest importance, he would be obliged if he could be informed of the terms of the reply returned by the Japanese Government, as soon as it is received from His Majesty's Ambassador at Tokio.

3. At the same time I am to suggest that, in communicating with His Majesty's Ambassador, it might be well to point out to him, with reference to paragraph 2 of the Commercial Attaché's memorandum of the 9th February, that Article III. of the Industrial Property Convention, 1883, has no bearing on the question of the position of British subjects connected with Colonies which have not adhered to that Convention, and to draw his attention to the opinion furnished by the Law Officers of the Crown on the 13th October, 1899,† which dealt specifically with that question.

I am, &c.,

HENRY LAMBERT,

for the Under-Secretary of State.

7658

No. 278.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by Nos. 304 and 305.]

SIR, Downing Street, 10 April, 1912.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 12th of March,‡ transmitting a list of treaties of trade and commerce

* No. 269.

† No. 232A in Vol. V. of Law Officers' Opinions.

‡ No. 266.

between Great Britain and foreign Powers in force on January 1st, 1912, marked with a view to showing the extent to which the Dominion of Canada is affected by such treaties.

2. The treaties marked on the list may be classed as (a) unilateral treaties securing benefits without corresponding obligations, (b) treaties whereby Canada receives benefits and incurs obligations generally in respect of commerce and navigation, and (c) treaties dealing with specific questions of commerce, such as consular facilities, trade marks, and joint stock companies.

3. As regards Class (a), Mr. Harcourt feels some doubt whether the list is complete. The volume of Treaties of Commerce and Navigation published by the Foreign Office in 1908 would seem to indicate the propriety of including, for example, the Anglo-German Western Pacific Agreement of 1886, the Borneo Treaty of 1847, the Netherlands East India and Sumatra trade agreements of 1824 and 1871, and some of the series of agreements with foreign Powers as to mutual recognition of trade marks in China. It is, of course, possible that, in view of information and correspondence not included in the Foreign Office volume, some or all of these treaties are rightly excluded. Mr. Harcourt fully appreciates the difficulty of drawing up an exhaustive list of unilateral treaties, and would suggest, for Sir E. Grey's consideration, that it is not necessary to do so on the present occasion. The request of the Canadian Government is for a list of treaties showing "whether or not they apply to Canada." The treaties at present under consideration cannot be said strictly to apply to Canada. The position is that by virtue of them British subjects obtain certain advantages, and Canadians share in those advantages as British subjects, irrespective of place of abode. Mr. Harcourt would accordingly propose to omit unilateral treaties from the list, and in sending it to Canada simply to note that, in addition to the treaties which will remain on the list, there are a number of treaties, like the Chinese treaties, under which Canadians as British subjects are entitled to benefits without corresponding obligations.

4. The principal treaties noted in the list under Class (b) have already been brought to the notice of the Dominion Government in the despatch of which a copy was enclosed in the letter from this Department of the 1st of November, 1911.* In writing to Canada on the present occasion, Mr. Harcourt would propose to refer to that despatch, as it explains the position now existing in respect of some of the treaties. As the present Canadian enquiry covers navigation as well as commerce, it will be proper now to include some treaties which were omitted from the former list, either purely navigation treaties, like the Austro-Hungarian Treaty of 1868, or treaties dealing with navigation as well as commerce, but which were held either not to affect the Nineteenth Resolution of the Imperial Conference of 1911, like the Persian Treaties of 1857 and 1903, or to be of doubtful application in connection with that resolution, like the Muskat Treaty of 1891. I am to take this opportunity of enquiring whether Sir E. Grey is yet in a position to state whether the Costa Rica and Peru Treaties of 1849 and 1850 should have been included in the list of treaties from which His Majesty's Government should obtain power to withdraw on behalf of the Dominions in pursuance of the Conference resolution.

5. Mr. Harcourt notes that in the list the Anglo-French Treaty of 1826 and the Additional Articles of that Treaty are included as applying to Canada. It is not clear to him why the Treaty is included, in view of the terms of Article VI., and as regards the Additional Articles, he would propose to explain to the Dominion

Foreign Office, 20 January.
To Foreign Office, 19 February.
Foreign Office, 29 February.

Government, in accordance with the correspondence† noted in the margin, that in the view of His Majesty's Government those Articles do not now apply to Canada and that the French Government is being invited to concur in a protocol so stating. It will follow that the Tunis Convention of 1897 also does not apply to Canada, and with regard to this it may be well to refer to Article 18 of the Franco-Canadian Convention, 1907-1910 [Cd. 5021], which shows what was intended as regards Tunis, though Mr. Harcourt is not aware that the declaration there provided for has been yet exchanged.

6. Mr. Harcourt notes that the Persian Treaty of 1857 and Convention of 1903 are included, the second as a unilateral treaty. He presumes that the first is included in view of the provisions in Articles IX. as to reciprocal most-favoured-

* No. 224.

† 2278, 3126, 6412: not printed.

nation treatment of British and Persian subjects and consular agents. In classing the Convention of 1903 as unilateral it is presumed that Sir E. Grey refers to the second part of the second paragraph of Article II., and considers that if Canada ceased to accord general most-favoured-nation treatment to Persian imports under that paragraph, Canadian imports could still claim under Article I. the benefit of the special schedules provided for "marchandises d'origine Britannique." If Sir E. Grey is satisfied that the 1903 Convention is purely unilateral, it would appear that it should be omitted for the reasons stated in paragraph 3 of this letter.

7. I am to suggest for consideration that in view of Article XXVI. the United States Treaty of 1871 should be included in a list of treaties applying to Canada, while on the other hand the Additional Articles to the Bolivian Treaty of 1840 would appear now to be spent, unless they have been kept in force by a later instrument not included in the Foreign Office volume of Treaties of Commerce and Navigation (1908).

8. I am to add that the treaties in the list under Class (c) dealing with specific commercial questions appear to Mr. Harcourt to be in order, but that it should be considered whether the Anglo-Italian Joint Stock Companies Declaration of 1867, and the Spanish and United States Declarations of 1875 and 1877, respectively, should not also be included in the list.

I am, &c.,

HENRY LAMBERT,

for the Under-Secretary of State.

11796

No. 279.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received April 18, 1912.)

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of a note to the Swiss Minister, dated April 15, 1912: (Withdrawal of Colonies from Anglo-Swiss Commercial Treaty).

Reference to previous letter: From Colonial Office, April 2, 1912 (7939/1912).*

Foreign Office,
April 17, 1912.

Enclosure in No. 279.

SIR,

Foreign Office, April 15th, 1912.

I HAVE had under consideration the note which you were so good as to address to me on the 9th ultimo, respecting the withdrawal of the self-governing Dominions from the Anglo-Swiss Commercial Treaty of 1855.

As stated in my note dated February 5th last, His Majesty's Government desire to secure in respect of the self-governing Dominions the right to terminate the whole Treaty, and not certain articles thereof.

As regards the provisional maintenance of most-favoured-nation treatment in the case of a Dominion which has withdrawn from the Treaty, I have the honour to propose, with a view to meeting the difficulty to which you refer in your note, that the protocol to be signed by the Swiss Government and His Majesty's Government should contain no stipulation on this particular point.

As regards the second point raised in your note, His Majesty's Government fully recognise that the Swiss Government should have an equal right with the Dominions to denounce the Treaty.

Lastly, I note with satisfaction that the Swiss Government is prepared to make the special provision desired in the case of Papua and Norfolk Island.

* No. 274.

A fresh protocol embodying the necessary alterations has accordingly been prepared, and I enclose a copy herewith for the consideration of the Swiss Government

I have, &c.,
E. GREY.

Monsieur Carlin,
&c., &c., &c.

PROTOCOL.

Whereas it is desirable to make further provision with regard to the application of the Anglo-Swiss Treaty of September 6th, 1855, to certain parts of His Britannic Majesty's Dominions, viz., the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa and Newfoundland, the Government of His Britannic Majesty and the Government of the Swiss Confederation hereby agree that either of the contracting parties shall have the right to terminate the said Treaty with respect to any or all of the above-mentioned Dominions at any time on giving twelve months' notice to that effect.

It is further agreed that should the said Treaty cease, in pursuance of this protocol, to be applicable to the Commonwealth of Australia, it shall also cease to be applicable to Papua and Norfolk Island if so desired by His Britannic Majesty's Government.

10474

No. 280.

COLONIAL OFFICE to HOME OFFICE.

SIR,

Downing Street, 17th April, 1912.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 3rd of April* on the subject of the proposed Convention with Turkey as to the administration of the estates of Turkish and British subjects dying in British or Turkish territory.

2. In reply, I am to request you to inform Mr. Secretary McKenna that Mr. Harcourt concurs in the terms of the draft Convention, subject to the following observations:—

In the first place, he considers that provision should be made, as is now usual in Conventions which may be made applicable to the self-governing Dominions, for the separate denunciation in respect of those Dominions to which the Convention may be applied on giving a year's notice. He is not, of course, aware whether such a provision would be acceptable to the Turkish Government, but it could be pointed out to that Government, if any objection were raised, that its insertion would probably prove some inducement to the Governments of the self-governing Dominions to have the Convention applied to their territories.

In the second place, Mr. Harcourt would prefer in Article IV. that in place of the words "unless notice of accession . . . His Britannic Majesty's Ambassador" should be used the words "unless notice of the desire of His Britannic Majesty's Government that the said stipulations shall be applied to any of them shall have been given by His Britannic Majesty's Ambassador."

I am, &c.,
H. W. JUST.

11861

No. 281.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received April 18, 1912.)

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of a despatch from His Majesty's Minister at

* 10474: not printed.

Bogotá, dated March 19, 1912: (Withdrawal of Colonies from Anglo-Colombian Commercial Treaty).

Reference to previous letter: from Colonial Office, November 10, 1911.*

Foreign Office,
April 18, 1912.

Enclosure in No. 281.

(No. 4. Commercial.)

SIR,

British Legation, Bogotá, March 19th, 1912.

I HAVE the honour to report with reference to your despatch, No. 9, Commercial, of November 16th, that, at the first official reception of the Minister for Foreign Affairs, I informed His Excellency that I had been instructed to ascertain whether the Colombian Government would be prepared to grant the self-governing Dominions of the Empire the right of separate withdrawal from the Colombian Commercial Treaty of 1866. I mentioned that the question had already been raised in 1908, and in my conversation made use of the arguments set forth in your despatch of October 20th, to certain of His Majesty's representatives abroad.

I left a copy of the draft protocol with His Excellency and asked him to give me his views when he had considered it.

I have, &c.,
PERCY WYNDHAM.

The Right Honourable

Sir E. Grey, Bart., M.P.,
&c., &c., &c.,
Foreign Office.

38428

No. 282.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 280.) (New Zealand. No. 121.)
(Union of South Africa. No. 192.) (Newfoundland. No. 77.)

SIR,

Downing Street, 19 April, 1912.

MY LORD,

WITH reference to my despatch, No. [698] [448] [294] [197], of the 18th August last,† I have the honour to request [Your Royal Highness] [Your Excellency] [you], to inform your Ministers that, by an exchange of Notes, the operation of the Commercial Treaty of the 21st of January, 1887, between the United Kingdom and the Republic of Honduras has been extended for a further period of one year, that is until the 6th of April, 1913.

I have, &c.,
L. HARCOURT.

38428

No. 283.

COLONIAL OFFICE to FOREIGN OFFICE.

[See No. 285.]

SIR,

Downing Street, 19 April, 1912.

WITH reference to the letter from this Office of the 3rd of December last,‡ I am directed by Mr. Secretary Harcourt to request that you will inform Secretary Sir Edward Grey that his attention has been called to the statement on page 77 of the Board of Trade Journal, Volume LXXVII., from which it appears that the Board of Trade have received from the Foreign Office information to the effect that by an exchange of notes the operation of the Commercial Treaty of the 21st of January, 1887, with the Republic of Honduras has been extended for a further period of one year, that is until the 6th April, 1913.

* No. 226.

† 26454: not printed.

‡ No. 239.

2. Mr. Harcourt is informing the Governments of the self-governing Dominions (other than the Commonwealth of Australia) of this extension, and he desires me to observe that if there is no immediate prospect of the ratification of the new Treaty it would seem to be desirable that the Government of Honduras should be asked to correct the error which was made with regard to the notification of the withdrawal of the Commonwealth of Australia in respect of Victoria from the Treaty of 1887.

I am, &c.,
H. W. JUST.

12595

No. 284.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received April 25, 1912.)

[Answered by No. 289.]

SIR,

Foreign Office, April 24, 1912.

I AM directed by Secretary Sir E. Grey to transmit to you, for the information of Mr. Secretary Harcourt, a copy of a despatch from His Majesty's Ambassador at Paris, enclosing copies of the note addressed on March 2nd to the French Minister for Foreign Affairs and of the reply thereto, on the subject of the withdrawal of the self-governing Dominions from the Additional Articles of the Anglo-French Treaty of 1826.

Sir E. Grey proposes, if Mr. Harcourt concurs, to instruct Sir F. Bertie to sign the texts of the Protocol in their present form.

I have, &c.,
A. LAW.

Enclosure in No. 284.

(No. 137. Commercial.)

SIR,

Paris, April 15, 1912.

I HAVE the honour, with reference to your despatch, No. 44, Commercial, of February 28th last, to transmit to you herewith copies of the note which I addressed on March 2nd last to the French Minister for Foreign Affairs respecting the withdrawal of the self-governing Dominions from the Additional Articles of the Anglo-French Commercial Treaty of 1826 and of his reply thereto.

M. Poincaré states that he is ready to sign with me the French and English texts of the proposed Protocol, and he forwards to me the French text with an enquiry whether His Majesty's Government have any observations to make with regard to it.

I shall be grateful to learn whether I am authorised to sign the texts of the Protocol in their present form.

The Right Honourable

Sir Edward Grey Bart., M.P., K.G.,

&c., &c., &c.

I have, &c.,
FRANCIS BERTIE.

Sir F. BERTIE to M. POINCARÉ.

MONSIEUR LE MINISTRE,

Paris, March 2, 1912.

I DULY forwarded to His Majesty's Principal Secretary of State for Foreign Affairs copy of the note which M. de Selves addressed to me on the 13th January last suggesting that an agreement should be come to between His Majesty's Government and the French Government to enable the self-governing Dominions to liberate themselves—should they so desire it—from the operation of the Treaty of the 26th January, 1826, between Great Britain and France.

I have the honour, under instructions from Sir Edward Grey, to transmit to Your Excellency, herewith, copy of a draft Protocol dealing with the question, and to express the hope of His Majesty's Government that it may prove acceptable to the French Government since it follows on the lines suggested by Your Excellency's predecessor in his above-mentioned note.

With regard to paragraph 2 of the draft Protocol, I am instructed to explain that His Majesty's Government have had under consideration the cases of Papua and Norfolk Island, which became Colonies in 1888 and 1788, respectively, and which are bound by all treaties mentioning Colonies in general terms. Papua is now under the administration of the Commonwealth of Australia, while Norfolk Island is administered by the Governor of New South Wales. It is possible, however, that both Colonies may ultimately be incorporated in the Commonwealth of Australia. In any case it is clearly undesirable that treaty restrictions which are not applicable to the Commonwealth should be applicable to territories which are administered, the first directly by the Commonwealth and the second by a State Governor. Sir Edward Grey trusts, therefore, that the French Government will not see any objection to extending the provisions of the proposed Protocol to Papua and Norfolk Island, subject to the conditions indicated in the second paragraph of the draft now submitted to them.

I am, &c.,
FRANCIS BERTIE.

M. POINCARÉ to Sir F. BERTIE.

MONSIEUR L'AMBASSADEUR,

Paris le 12 avril, 1912.

PAR une lettre du 2 mars Votre Excellence a bien voulu m'adresser un projet de protocole relatif à la dénonciation éventuelle, en ce qui concerne certaines colonies britanniques, des articles additionnels à la convention franco-britannique du 26 février 1826.

J'ai l'honneur de vous faire connaître que je suis disposé à signer avec vous les textes français et anglais du protocole projeté. Je vous saurais gré de vouloir bien me faire savoir si le texte français ci-joint ne donne lieu à aucune observation de votre part.

Agréé etc.,
(signed for M. POINCARÉ),
PALÉOLOGUE.

PROTOCOLE—PROJET.

"Considérant qu'il est souhaitable d'établir de nouvelles clauses touchant l'application des articles additionnels de la convention anglo-française de commerce et de navigation de 1826 à certaines colonies (Dominions) de S.M. britannique à savoir la confédération australienne, la Nouvelle-Zélande, l'Union sud africaine, et Terre-Neuve le gouvernement de S.M. britannique et le gouvernement de la République française conviennent que S.M. aura le droit en tout temps de mettre fin à l'égard de l'une ou des dites colonies à la validité de ces articles additionnels en les dénonçant douze mois d'avance; pendant ces douze mois les relations commerciales entre la République française et la ou les colonies pour lesquelles on aura dénoncé les articles continueront d'être réglées par les dits articles additionnels.

"Il est en outre convenu que, au cas où ces articles cesseraient, conformément au présent protocole, d'être applicables à la confédération australienne, ils cesseront également de s'appliquer à la Papouasie et à l'île de Norfolk, si le gouvernement de S.M. britannique le désire.

"Il est de plus entendu que les dits articles additionnels ne sont et ne seront pas considérés comme applicables au Dominion du Canada."

12726

No. 285.

FOREIGN OFFICE to COLONIAL OFFICE

(Received 26 April, 1912.)

SIR,

Foreign Office, April 25, 1912.

I AM directed by the Secretary of State for Foreign Affairs to inform you that copies of your letters of the 19th instant and of the 17th November last,* on the

* Nos. 283 and 230.

subject of the withdrawal of Victoria from the Anglo-Honduran Treaty of 1887, are being forwarded to His Majesty's Representative at Guatemala, for the necessary communication to the Honduran Government.

I am, &c.,
A. LAW.

13346

No. 286.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received May 1, 1912.)

[Answered by No. 302.]

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of a despatch from His Majesty's Minister, Buenos Aires, March 25: (Withdrawal of Colonies from Anglo-Argentine Commercial Treaty), and requests that the Colonial Office will furnish their observations thereon.

Reference to previous letter: To Colonial Office, April 3, 1912.*

Foreign Office,
April 30, 1912.

(Similar letter sent to Board of Trade.)

Enclosure in No. 286.

(Commercial. No. 59.)

SIR,

Buenos Aires, March 25th, 1912.

WITH reference to your despatch of this series, No. 44, of the 20th of October, 1911, as to the withdrawal of the self-governing Colonies from the Treaty of February 2nd, 1825, between Great Britain and the Argentine Republic, I have now the honour to transmit, herewith, copy and translation† of a note I have received from the Argentine Minister for Foreign Affairs on the subject.

You will observe that Dr. Bosch would prefer that the entire Treaty should be abrogated, and that a new Treaty, more consonant with present requirements, should be substituted for it.

I shall be glad to receive your instructions as to what reply I should send to the Argentine Government.

I have, &c.,
REGINALD TOWER.

The Right Honourable
Sir Edward Grey, Bart., K.G., M.P.,
&c., &c., &c.

(Translation.)

Ministry for Foreign Affairs and Public Worship,

MONSIEUR LE MINISTRE,

Buenos Aires, March 22nd, 1912.

IN my note of the 30th of November last I promised to inform you of the views of the Argentine Government concerning the question formulated by you on the 18th of the same month, and of which you reminded me on the 4th instant.

In compliance with instructions from your Government you proposed to the Government of this Republic to modify, if possible, the Treaty between the Argentine Republic and Great Britain of February 2nd, 1825, in the sense of granting to the self-governing Dominions of the Empire the power of independent action which they enjoy under all Treaties lately concluded by His Britannic Majesty's Government.

I have taken the opinion of the other Departments connected with matters dealt with in the Treaty, and I am to-day in a position to inform you that, in the event

* 10264: not printed.

† Translation only printed.

of the Treaty being modified, this Government would consider its complete abrogation to be more in the interests of the two countries, and they would be disposed to accept the denunciation after negotiations for a new Treaty to take its place.

The Government is fully alive, I am glad to say, to the fact that the Treaty in force has rendered valuable assistance in developing the political and economic relations between our two countries, but this is an opportune moment to mention that, since the time when it was negotiated, the Republic has placed its institutions on a firm basis and its development is assured, so that many of the clauses of the Treaty are either superfluous or useless.

As a matter of fact, the political and civil institutions of the Republic to-day afford foreigners security and freedom as ample as can be found in the most highly civilized countries, and as are afforded to her own citizens; all the civil guarantees of the Treaty of 1825 are to be found embodied in the laws of the country and safeguarded by the National Constitution.

Eighty years of diplomatic relations between this Government and yours give me the right to affirm that never have His Britannic Majesty's subjects had to invoke the provisions of the Treaty to secure their rights, such as are assured to all the inhabitants of the territory of the Republic by the general laws.

It must then be said that the Treaty of 1825 has nobly served its purpose, and it is to be desired that a new Convention, more in accordance with the spirit of progress of the age, may govern our commercial relations which grow closer every day, a fact which is proved by statistics and which the spirit of friendship which dominates our Governments confirms.

In expressing to you the views of this Government regarding your proposal, I avail myself, &c.

ERNESTO BOSCH.

Sir Reginald Tower, K.C.M.G., C.V.O.,
&c., &c., &c.

13433

No. 287.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received May 2, 1912.)

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of a despatch from Mr. Stronge, Mexico, No. 40, Comml., dated April 13, 1912: (Withdrawal of Natal, Transvaal, and Orange River Colony from Mexican Commercial Treaty).

Reference to previous letter: Colonial Office, March 21, 1912.*

Foreign Office,
May 1, 1912.

Enclosure in No. 287.

(Commercial. No. 40.)

SIR,

Mexico, April 13th, 1912.

WITH reference to your despatch, No. 7, Commercial, of the 28th ultimo, I have the honour to enclose herewith copy of a note which I have addressed to Mr. Lascourain, Mexican Minister for Foreign Affairs, on the subject of the withdrawal of the Union of South Africa from the Anglo-Mexican Commercial Treaty of November 7th, 1888.

I have, &c.,
FRANCIS STRONGE.

The Right Honourable
Sir Edward Grey, Bart., M.P.,
&c., &c., &c.

* No. 272.

MR. STRONGE to MEXICAN GOVERNMENT.

(No. 60.)

M. LE MINISTRE,

Mexico, April 13th, 1912.

WITH reference to the last paragraph of the letter which I addressed to Your Excellency's predecessor on the 27th of February last, I have the honour to state that I have received instructions from His Majesty's Principal Secretary of State for Foreign Affairs to inform the Mexican Government that the Government of the British Colony called the Union of South Africa desires to terminate the Anglo-Mexican Treaty of 1888, in respect of those Provinces of the Union to which it is applicable, namely, Natal, the Transvaal, and the Orange River Free State.

In October last the question of the withdrawal of Natal from the Treaty was discussed by Mr. Hohler, who was at that time in charge of this Legation, with Senor Carbajal, who was then acting as Minister for Foreign Affairs, and the latter stated that he saw no objection to such withdrawal, provided that twelve months' notice was given in accordance with the provisions of Article XVI. of the Treaty.

This notice I now give, not only as regards Natal, but also as regards the Transvaal and the Orange River Free State. It is clear that these two Provinces came under the operation of the Treaty when they became part of His Majesty's Dominions, and it is, therefore, necessary that they, as well as Natal, should be included in the notice of withdrawal.

I should esteem it a great favour if Your Excellency would be so good as to acknowledge the receipt of this note, in order that I may be in a position to inform His Majesty's Government that the Mexican Government has taken note of the intention of the Union of South Africa to withdraw from the Treaty as soon as the year's notice has expired, in respect of the portions of the Colony to which it applies, namely, Natal, the Transvaal, and the Orange River Free State.

I have, &c.,
FRANCIS STRONGE.

14031

No. 288.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received May 8, 1912.)

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of a despatch from Lord Kilmarnock (Stockholm), No. 32, Commercial, April 6, 1912: (Position of Papua and Norfolk Island in relation to Anglo-Swedish Commercial Treaty).

Reference to previous letter: From Colonial Office, March 5, 1912.*

Foreign Office,
May 7, 1912.

Enclosure in No. 288.

(No. 32. Commercial.)

SIR,

Stockholm, April 6, 1912.

ON receipt of your despatch, No. 10, Commercial, of March 14 last, Sir C. Spring Rice did not fail to address to the Swedish Government a note, in the terms indicated in your instructions, requesting them to agree that, if, in virtue of the right granted by the Protocol of November 27 last, the Commonwealth of Australia should withdraw from the Treaties between Great Britain and Sweden of the 11th April, 1654, the 17th July, 1656, the 21st October, 1661, the 5th February, 1766, and the 18th March, 1826, or from any of them, the said Treaties or any one of them should cease to be applicable to Papua and Norfolk Island, if so desired by His Majesty's Government.

* No. 263.

I have now the honour to transmit to you herewith a note, in original (accompanied by a translation*), from the Swedish Minister for Foreign Affairs, agreeing to the proposals of His Majesty's Government.

I have, &c.,

KILMARNOCK.

The Right Honourable

Sir E. Grey, Bart., K.G., M.P.,

&c., &c., &c.

(Translation.)

MONSIEUR LE MINISTRE :—

Stockholm, 30th March, 1912.

By your note of the 18th instant, you requested—with reference to the agreement concluded on November 27th, 1911, between Sweden and Great Britain as to the individual right of the British self-governing Dominions to withdraw from the Commercial Treaties concluded between Great Britain and Sweden on the 11th April, 1654, 17th July, 1656, 21st October, 1661, 5th February, 1766, and 18th March, 1826, or from any of them—that, if the above-mentioned treaties should cease to be applicable to the Commonwealth of Australia, the same provision should include the Colonies of Papua and Norfolk Island, if the British Government should consider it desirable.

In answer to this representation, I have the honour to inform you that the Swedish Government agrees that, if the above-mentioned treaties cease to be applicable to the Commonwealth of Australia, the same provision shall apply to the Colonies of Papua and Norfolk Island, if the British Government considers it desirable.

Accept, Monsieur le Ministre, the assurance of my distinguished consideration.

ALBERT EHRENSWARD.

12595

No. 289.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, 9 May, 1912.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 24th ultimo,† and in reply to state that he concurs in the proposal that His Majesty's Ambassador at Paris should be instructed to sign the French and English texts of the proposed Protocol, securing to His Majesty the right to terminate the Additional Articles of the Anglo-French Treaty of 1826 in respect of the self-governing Dominions other than Canada, and stating the position of Canada in regard to those Articles.

2. It is not clear whether the words "l'une ou des dites colonies" in the French text are accurately copied, but Sir E. Grey will no doubt instruct His Majesty's Ambassador to secure complete correspondence between the French and English texts before signature.

I am, &c.,

HENRY LAMBERT,

for the Under-Secretary of State.

13405

No. 290.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 291.]

SIR,

Downing Street, 10 May, 1912.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 30th of April,‡ on the subject of the proposed Convention with the Sultan of Turkey with regard to the administration by Turkish Consular Officers of the estates of Ottoman subjects dying within His Majesty's Dominions.

2. Mr. Harcourt observes that Article IV. now includes a paragraph empowering His Majesty's Government at any time, on giving twelve months' notice to that effect through the same channel, to signify the withdrawal of any of the British

* Translation only printed.

† No. 284.

‡ 13405: not printed.

Dominions mentioned in that Article from the operation of the present Convention. I am, however, to observe that in a letter from this Office to the Home Office on the 17th of April,* a copy of which is enclosed for the information of Secretary Sir Edward Grey, it was suggested by Mr. Harcourt that the wording of the earlier part of Article IV. should be altered so as to avoid the use of the term "notice of accession on behalf of" a Dominion. Similarly Mr. Harcourt would prefer that the term "withdrawal of a Dominion" should not appear in any Convention, as it appears to him undesirable to use in Conventions any language which might be construed as indicating that His Majesty's Government regard the self-governing Dominions as having in any sense an international status, or as implying that the application of the "Colonial" article is anything but territorial. The terms "accession of" and "withdrawal from" must no doubt be used, and have frequently been used, in correspondence and in discussions, but it appears to Mr. Harcourt that there are good reasons for avoiding their use in international instruments. He would suggest, therefore, that at any convenient opportunity the Turkish Government should be asked to modify the last sentence of Article IV. so as to read as follows:—

"It shall further be competent for His Britannic Majesty's Government at any time to give twelve months' notice through the same channel of their desire that the said stipulations shall cease to apply to any of the British Dominions above-mentioned, and on the expiration of the said period of twelve months the said stipulations shall cease to apply to the Dominion or Dominions in question."

I am, &c.,
H. W. JUST.

15256

No. 291.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received May 18, 1912.)

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of a note to the Turkish Ambassador, dated May 16, 1912: Estates of Ottoman subjects dying in His Majesty's Dominions.

Reference to previous letter: Colonial Office, May 10 (13405).†

Foreign Office,
May 17, 1912.

Enclosure in No. 291.

YOUR HIGHNESS,

Foreign Office, May 16, 1912.

WITH reference to my note of the 29th ultimo, enclosing the draft of a Convention on the subject of the administration by Turkish Consular Officers of the Estates of Ottoman subjects dying within His Majesty's Dominions, I have the honour to state that His Majesty's Government, upon further consideration, would be much obliged if the last paragraph of Article IV. of the draft could be altered to read as follows:—

"It shall further be competent for His Britannic Majesty's Government at any time to give twelve months' notice, through the same channel, of their desire that the said stipulations shall cease to apply to any of the British Dominions above mentioned, and on the expiration of the said period of twelve months the said stipulations shall cease to apply to the Dominion or Dominions in question."

His Highness

Tevfik Pasha,

&c., &c., &c.

I have, &c.,
E. GREY.

* No. 280.

† No. 290.

15557

No. 292.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received May 20, 1912.)

[Answered by No. 306.]

SIR,

Foreign Office, May 18, 1912.

WITH reference to the letter from this Office of March 8th last,* relative to the adhesion of certain British Colonies to the Commercial Treaty between Japan and Great Britain, I am directed by Secretary Sir Edward Grey to transmit to you, herewith, copy of a communication from the Japanese Ambassador, stating that the Japanese Government agree, on the whole, to the suggestions put forward in Sir E. Grey's memorandum of March 7th last, with regard to the interpretation of Articles 1 and 8 of the Treaty, but that they wish to introduce certain alterations in the wording of these Articles.

Sir E. Grey proposes, subject to Mr. Harcourt's concurrence, to agree to the alterations in the wording of Articles 1 and 8 as suggested by the Japanese Government.

I am, &c.,

LOUIS MALLET.

Enclosure in No. 292.

COMMUNICATED BY JAPANESE AMBASSADOR.

The Imperial Government agree, on the whole, with the suggestions made by the British Government that the interpretation, as set forth in Sir Edward Grey's memorandum of March 7th, 1912, should be placed on record for Articles 1 and 8 of the Anglo-Japanese Commercial Treaty in order to avoid any possible misunderstanding that may arise in future, particularly in connexion with the adhesion of the British Colonies mentioned in the said memorandum. The Imperial Government, however, are desirous, firstly, to alter the wording of the interpretation given to Article 1 so as to make it reciprocal in form, and, further, to insert therein the three words "in any way" in order to make the meaning more precise; and secondly, to make necessary alteration upon the wording of the interpretation of Article 8 in view of the presence of the words "United Kingdom" in Article 21 as well as in Article 8. The interpretation thus amended should read as follows:—

The provisions of Article 1 do not interfere with any immigration legislation of either of the Contracting Parties that does not in any way differentiate against the subjects of the other Contracting Party as compared with the subjects or citizens of the most favoured nation.

Article VIII mentions the "United Kingdom" and "Japan" by name, while the other Clauses of the Treaty generally refer to the "High Contracting Parties." It is understood therefore that the provisions of Article VIII. do not apply to His Majesty's Dominions beyond the Seas or Colonies.

May 11th, 1912.

15712

No. 293.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received May 22, 1912.)

[Answered by No. 298.]

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies and is directed by the Secretary of State for Foreign Affairs to transmit the accompanying copy of a despatch which has been received from His Majesty's Minister at Bogota relating to the proposed withdrawal of the Colonies from the Commercial Treaty with Colombia.

* No. 264.

The Secretary of State would be glad to be advised what answer should be returned to Mr. Wyndham.

Reference to previous letter: To Colonial Office, April 18, 1912.*

Foreign Office,
May 21, 1912.

Enclosure in No. 293.

(No. 7. Commercial.)

SIR,

British Legation, Bogota, April 15th, 1912.

I HAVE the honour to report that as soon as I had presented my letters I called on the Minister for Foreign Affairs, and, in compliance with the instructions contained in your despatch, No. 9, Commercial, of November 16th, I explained to His Excellency the reasons which had induced His Majesty's Government to raise the question of enabling the self-governing Dominions of the Empire to withdraw, if they so desired, from certain commercial treaties by which they are at present bound, without the power of withdrawing apart from the United Kingdom. I also gave to His Excellency a copy of the draft Protocol which His Majesty's Government wished to sign with the Republic of Colombia. Senor Valencia asked for some time to consider the matter and only gave an answer last Wednesday.

His Excellency said that his Government had no objection to sign the Protocol, but that the clause beginning with "nevertheless" down to the "manufacture of any other foreign country" constituted practically a new treaty and would, consequently, have to be referred to Congress. Senor Valencia said that before signing he would like to know what means there were on the part of Colombia of denouncing the new engagement, as, unlike the existing commercial treaty, it appeared to be perpetual unless any of the British Dominions desired a fresh treaty. His Excellency did not raise the question of the status of British subjects or that of compensation.

As Congress meets on July 20th, I ought to be in a position to meet His Excellency's difficulty before that date. He also asked me what countries had already signed the protocol.

I have taken note of the further instructions contained in your despatch, No. 1, Commercial, of February 3rd.

I have, &c.,

PERCY C. WYNDHAM.

The Right Honourable

Sir E. Grey, Bart., K.G., M.P.,
&c., &c.

15755

No. 294.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received May 22, 1912.)

[Answered by No. 302.]

SIR,

Foreign Office, 21 May, 1912.

I AM directed by Secretary Sir E. Grey to transmit to you, herewith, to be laid before Mr. Secretary Harcourt, a copy of the revised model draft Commercial Treaty, extending and altering the one at present in use.

The new draft has been prepared in consultation with the Board of Trade and the Board of Customs and Excise, and the alterations and additions which it embodies are, for greater clearness, indicated in red ink.†

Sir E. Grey will be glad to be furnished with any observations Mr. Harcourt may desire to offer on the model treaty as now drawn up, before definitely approving the terms thereof.

I am, &c.,

A. LAW.

* No. 281.

† Shown here in italics.

Enclosure in No. 294.

DRAFT TREATY OF COMMERCE AND NAVIGATION BETWEEN THE UNITED KINGDOM
AND

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and

, being desirous of further facilitating and extending the commercial relations already existing between their respective countries, have determined to conclude a Treaty of Commerce and Navigation with this object, and have appointed as their Plenipotentiaries, that is to say:—

who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following Articles:—

ARTICLE 1.

There shall be between the territories of the two Contracting Parties reciprocal freedom of commerce and navigation.

The subjects of each of the two Contracting Parties shall have liberty freely to come, with their ships and cargoes, to all places and ports in the territories of the other, to which subjects* of that State are, or may be permitted to come, and shall enjoy the same rights, privileges, liberties, favours, immunities, and exemptions in matters of commerce and navigation as are or may be enjoyed by subjects of that State.

The subjects of each of the Contracting Parties shall not be subject in respect of their persons or property, or in respect of their commerce or industry, to any taxes, whether general or local, or to imposts or obligations of any kind whatever, other or greater than those which are or may be imposed upon subjects of the other, or subjects or citizens of the most favoured nation.

ARTICLE 2.

The Contracting Parties agree that, in all matters relating to commerce, navigation, and industry, any privilege, favour, or immunity which either Contracting Party has actually granted, or may hereafter grant to the *ships and* subjects or citizens of any other foreign State, shall be extended immediately and unconditionally to the *ships and* subjects of the other, it being their intention that the commerce, navigation, and industry of each country shall be placed in all respects on the footing of the most favoured nation.

ARTICLE 3.

The subjects of each of the Contracting Parties in the territories of the other shall be at full liberty to acquire and possess every description of property, movable and immovable, which the laws of the country permit, or shall permit, the subjects or citizens of any other foreign country to acquire and possess. They may dispose of the same by sale, exchange, gift, marriage, testament, or in any other manner, or acquire the same by inheritance under the same conditions which are or shall be established with regard to subjects of the State. They shall not be subjected in any of the cases mentioned to any taxes, imposts, or charges of whatever denomination other or higher than those which are or shall be applicable to subjects of the State.

The subjects of each of the Contracting Parties shall also be permitted, on compliance with the laws of the country, freely to export the proceeds of the sale of their property and their goods in general without being subjected as foreigners to other or higher duties than those to which subjects of the country would be liable under similar circumstances.

ARTICLE 4.

The subjects of each of the Contracting Parties in the territories of the other shall be exempted from all compulsory military service whatsoever, whether in the army, navy, national guard, or militia. They shall similarly be exempted from all

* In cases where the Treaty is being negotiated with a Republic, the words "or citizens" should everywhere be inserted after "subjects."

judicial, administrative, and municipal functions whatever, other than those imposed by the laws relating to juries, as well as from all contributions, whether pecuniary or in kind, imposed as an equivalent for personal service, and finally from any military exaction or requisition. The charges connected with the possession by any title of landed property are, however, excepted as well as compulsory billeting and other special military exactions or requisitions, to which all subjects of the country may be liable as owners or occupiers of real property.

In the above respects the subjects of each of the Contracting Parties shall not be accorded in the territories of the other less favourable treatment than that which is or may be accorded to subjects or citizens of the most favoured nation.

ARTICLE 5.

Articles the produce or manufacture of one of the Contracting Parties imported into the territories of the other, from whatever place arriving, shall not be subjected to other or higher duties or charges than those paid on the like articles the produce or manufacture of any other foreign country. Nor shall any prohibition or restriction be maintained or imposed on the importation of any article the produce or manufacture of either of the Contracting Parties into the territories of the other, from whatever place arriving, which shall not equally extend to the importation of the like articles being the produce or manufacture of any other foreign country.

The only exceptions to this general rule shall be in the case of the sanitary or other prohibitions occasioned by the necessity of securing the safety of persons, or of cattle, or of plants useful to agriculture, and of the measures applicable in either of the two countries to articles enjoying a direct or indirect bounty in the other.

Articles the produce or manufacture of the United Kingdom enumerated in the Tariff annexed to this Treaty, shall not, on importation into be subjected to higher duties than those mentioned in the said Tariff.

ARTICLE 6.

Articles the produce or manufacture of either of the Contracting Parties exported to the territories of the other, shall not be subjected to other or higher charges than those paid on the like articles exported to another foreign country. Nor shall any prohibition or restriction be imposed on the exportation of any article from the territories of either of the two Contracting Parties to the territories of the other which shall not equally extend to the exportation of the like article to any other foreign country.

ARTICLE 8.

Articles the produce or manufacture of either of the Contracting Parties passing in transit through the territories of the other shall be reciprocally free from all transit duties, whether they pass through direct, or whether during transit they are unloaded, warehoused, and reloaded.

ARTICLE 8.

The stipulations of the present Treaty with regard to the mutual accord of the treatment of the most favoured nation apply unconditionally to the treatment of commercial travellers and their samples. The Chambers of Commerce, as well as such other Trade Associations and other recognised Commercial Associations in the Contracting States as may be authorised in this behalf, shall be mutually accepted as competent authorities for issuing any certificates that may be required for commercial travellers.

Articles imported by commercial travellers as samples shall, in each country, be temporarily admitted free of duty on compliance with the Customs regulations and formalities established to assure their re-exportation on the payment of the prescribed Customs duties if not re-exported within the period allowed by law. But the foregoing privilege shall not extend to articles which, owing to their quantity or value, cannot be considered as samples, or which, owing to their nature, cannot be identified upon re-exportation.

The marks, stamps, or seals placed upon such samples by the Customs authorities of one country at the time of exportation and the officially attested list of such samples containing a full description thereof issued by them shall be reciprocally accepted by the Customs officials of the other as establishing their character as

samples and exempting them from inspection, except so far as may be necessary to establish that the samples produced are those enumerated in the list. The Customs authorities of either country may, however, affix a supplementary mark to such samples in special cases where they may think this precaution necessary.

ARTICLE 9.

No internal duties levied for the benefit of the State, local authorities, or corporations which affect, or may affect, the production, manufacture, or consumption of any article in the territories of either of the Contracting Parties, shall for any reason be a higher or more burdensome charge on articles the produce or manufacture of the other than on similar articles of native origin.

The produce or manufacture of either of the Contracting Parties imported into the territories of the other, and intended for warehousing or transit, shall not be subjected to any internal duty.

ARTICLE 10.

Limited liability and other companies and associations—commercial, industrial, and financial—already or hereafter to be organised in accordance with the laws of either High Contracting Party, and registered in the territories of such Party, are authorised, in the territories of the other, to exercise their rights and appear in the Courts either as plaintiffs or defendants, subject to the laws of such other Party.

ARTICLE 11.

Each of the Contracting Parties shall permit the importation or exportation of all merchandise which may be legally imported or exported, and also the carriage of passengers from or to their respective territories, upon the vessels of the other; and such vessels, their cargoes, and passengers shall enjoy the same privileges as, and shall not be subjected to any other or higher duties or charges than, national vessels and their cargoes and passengers.

ARTICLE 12.

The provisions of this Treaty relating to the mutual concession of national treatment in matters of navigation do not apply to the coasting trade, in respect of which the subjects and vessels of the Contracting Parties shall enjoy most-favoured-nation treatment.

British and vessels may, nevertheless, proceed from one port to another, either for the purpose of landing the whole or part of their cargoes or passengers brought from abroad, or of taking on board the whole or part of their cargoes or passengers for a foreign destination.

It is also understood that, in the event of the coasting trade of either country being exclusively reserved to national vessels, the vessels of the other country, if engaged in trade to or from places not within the limits of the coasting trade so reserved, shall not be prohibited from the carriage between two ports of the former country of passengers holding through tickets or merchandise consigned on through bills of lading to or from places not within the above-mentioned limits, and while engaged in such carriage these vessels and their cargoes shall enjoy the full privileges of this Treaty.

ARTICLE 13.

In all that regards the stationing, loading and unloading of vessels in the ports, docks, roadsteads, and harbours of the territories of the Contracting Parties, no privilege or facility shall be granted by either Party to national vessels which are not equally granted to vessels of the other country; the intention of the Contracting Parties being that, in this respect also, the vessels of the two countries shall be treated on the footing of perfect equality.

ARTICLE 14.

No duties of tonnage, harbour, pilotage, lighthouse, quarantine, or other analogous duties or charges of whatever nature, or under whatever denomination, levied in the name or for the profit of the Government, public functionaries, private individuals, corporations, or establishments of any kind, shall be imposed in the ports

of the territories of either of the Contracting Parties upon the vessels of the other country which shall not equally and under the same conditions be imposed in the like cases on national vessels in general. Such equality of treatment shall apply to the respective vessels, from whatever port or place they may arrive and whatever may be their destination.

ARTICLE 15.

Any vessel of either of the Contracting Parties which may be compelled, by stress of weather or by accident, to take shelter in a port of the other shall be at liberty to refit therein, to procure all necessary stores, and to put to sea again, without paying any dues other than such as would be payable in a similar case by a national vessel. In case, however, the master of a merchant-vessel should be under the necessity of disposing of a part of his merchandise in order to defray his expenses, he shall be bound to conform to the Regulations and Tariffs of the place to which he may have come.

If any vessel of one of the Contracting Parties should run aground or be wrecked upon the coasts of the other, such vessel, and all parts thereof, and all furniture and appurtenances belonging thereunto, and all goods and merchandise saved therefrom, including any which may have been cast into the sea, or the proceeds thereof, if sold, as well as all papers found on board such stranded or wrecked vessel, shall be given up to the owners or their agents when claimed by them. If there are no such owners or agents on the spot, then the same shall be delivered to the British or Consular officer in whose district the wreck or stranding may have taken place upon being claimed by him within the period fixed by the laws of the country, and such Consular officers, owners, or agents shall pay only the expenses incurred in the preservation of the property, together with the salvage or other expenses which would have been payable in the like case of a wreck or stranding of a national vessel.

The Contracting Parties agree, moreover, that merchandise saved shall not be subjected to the payment of any customs duty unless cleared for internal consumption.

In the case either of a vessel being driven in by stress of weather, run aground, or wrecked, the respective Consular officers shall, if the owner or master or other agent of the owner is not present, or is present and requires it, be authorised to interpose in order to afford the necessary assistance to their fellow-countrymen.

ARTICLE 16.

All vessels which, according to British law, are to be deemed British vessels, and all vessels which, according to law, are to be deemed vessels, shall, for the purposes of this Treaty, be deemed British or vessels respectively.

ARTICLE 17.

It shall be free to each of the High Contracting Parties to appoint Consuls-General, Consuls, Vice-Consuls, and Consular Agents to reside in the towns and ports of the dominions and possessions of the other. Such Consuls-General, Consuls, Vice-Consuls, and Consular Agents, however, shall not enter upon their functions until after they shall have been approved and admitted in the usual form by the Government to which they are sent. They shall enjoy all the faculties, privileges, exemptions, and immunities of every kind which are or shall be granted to *Consular Officers* of the most favoured nation.

ARTICLE 18.

The *Consular Officers* of each of the Contracting Parties residing in the territories of the other shall receive from the local authorities such assistance as can by law be given to them for the recovery of deserters from the vessels of their respective countries.

Provided that this stipulation shall not apply to subjects or citizens of the State in whose territory the desertion takes place.

ARTICLE 19.

The subjects of each of the High Contracting Parties shall have, in the territories of the other, the same rights as subjects of that State in regard to patents for

inventions, trade-marks, and designs, upon fulfilment of the formalities prescribed by law.

ARTICLE 20.

All goods bearing marks or descriptions which state or manifestly suggest that the goods are the produce or manufacture of either of the Contracting States shall, if such statement or suggestion be false, be seized on importation into either of the two States. The seizure may also be effected in the State where the false indication of origin has been applied, or in that into which the goods bearing the false indication may have been imported.

The seizure shall be effected either at the request of the proper Government Department or of an interested party, whether an individual or a Society, in conformity with the domestic legislation of each State, but the authorities are not bound to effect the seizure of goods in transit. *If the law of either State does not permit seizure on importation, such seizure shall be replaced by prohibition of importation.*

The tribunals of each country shall decide what descriptions, on account of their generic character, do not fall within the provisions of the present Article.

ARTICLE 21.

The stipulations of the present Treaty shall not be applicable to any of His Britannic Majesty's *Dominions*, Colonies, Possessions, or Protectorates beyond the seas, unless notice of accession shall have been given on behalf of any such *Dominion*, Colony, Possession, or Protectorate by His Britannic Majesty's Representative at

before the expiration of one year from the date of the exchange of the ratifications of the present Treaty.

Nevertheless, the goods produced or manufactured in any of His Britannic Majesty's *Dominions*, Colonies, Possessions, and Protectorates, shall enjoy in complete and unconditional most-favoured-nation treatment, so long as such *Dominion*, Colony, Possession, or Protectorate shall accord to goods the produce or manufacture of treatment as favourable as it gives to the produce or manufacture of any other foreign country.

ARTICLE 22.

The present Treaty shall be ratified, and the ratifications shall be exchanged at as soon as possible. It shall come into force immediately upon ratification, and shall be binding during years from the date of its coming into force. In case neither of the Contracting Parties shall have given notice to the other twelve months before the expiration of the said period of years of its intention to terminate the present Treaty, it shall remain in force until the expiration of one year from the date on which either of the Contracting Parties shall have denounced it.

As regards, however, the British *Dominions*, Colonies, Possessions, and Protectorates which may have acceded to the present Treaty in virtue of Article 21, either of the Contracting Parties shall have the right to terminate it separately at any time on giving twelve months' notice to that effect.

It is understood that the stipulations of the present and of the preceding Article referring to British *Dominions*, Colonies, Possessions, or Protectorates apply also to the Island of Cyprus.

In witness whereof the respective Plenipotentiaries have signed the present Treaty, and have affixed thereto their seals.

15865

No. 295.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received May 23, 1912.)

[Answered by No. 302.]

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary

of State, transmits herewith copy of a letter from the Board of Trade, dated May 14, 1912, on the subject of the withdrawal of Colonies from the Anglo-Argentine Commercial Treaty, and the question of concluding a new Treaty, and requests that an early reply may be forwarded to the letter from this Office of the 30th April.*

In this connection Sir E. Grey would call attention to the letter from this Office of the 21st instant,† regarding the Model Draft Commercial Treaty.

Foreign Office,
May 23, 1912.

Enclosure in No. 295.

Board of Trade (Commercial Department), Gwydyr House,

Sir, Whitehall, London, S.W., 14th May, 1912.

I AM directed by the Board of Trade to acknowledge the receipt of your letter of April 30th with its enclosures, relative to the Argentine Government's proposal that a new Commercial Treaty should be negotiated to take the place of that concluded between Argentina and the United Kingdom in 1825.

In reply I am to say that, from the commercial point of view, the Board see no objection to the draft model Treaty being placed before the Argentine Government as a basis for negotiation and as embodying the provisions now usually proposed by His Majesty's Government in negotiations for Commercial Treaties with other important countries.

This draft, as Sir E. Grey is, of course, aware, gives power to Dominions and Colonies who may adhere to the Treaty to withdraw separately at any time after due notice. The Board understand from Dr. Bosch's note to Sir R. Tower that the Argentine Government offer no objection in principle to this right being accorded to the Dominions. As, however, some delay may take place in the negotiations for the conclusion of a new Treaty, and as the Board share the desire of the Argentine Government that the existing Treaty should not be denounced until a satisfactory Treaty has been agreed on to take its place, they venture to think that the Argentine Government might properly be asked, should their first perusal of the draft indicate the likelihood of its proving generally acceptable, to consider whether the immediate wishes of His Majesty's self-governing Dominions could not be met meanwhile by an arrangement according to those Dominions the right of withdrawal from the existing Treaty.

A copy of the revised draft of the model Treaty embodying the alterations and additions suggested by this Department was forwarded to you with the Board's letter of the 23rd April.

I have, &c.,

H. LLEWELLYN SMITH.

The Under-Secretary of State,
Foreign Office.

15866

No. 296.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received May 23, 1912.)

[Answered by No. 300.]

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, with reference to Colonial Office letter of April 2,† is directed by the Secretary of State for Foreign Affairs to transmit the accompanying copy of a note from the Swiss Minister regarding the question of withdrawal of His Majesty's self-governing Dominions from the Anglo-Swiss Commercial Treaty.

The Secretary of State would be glad to be advised what answer should be returned to M. Carlin.

Foreign Office,
May 23, 1912.

* No. 286.

† No. 294.

‡ No. 274.

Enclosure in No. 296.

Légation de Suisse, 3, Portland Place,

Londres, W., 16 Mai, 1912.

MONSIEUR LE SECRÉTAIRE D'ÉTAT :—

Je m'étais empressé de soumettre à l'examen de mon Gouvernement le projet de protocole qui accompagnait la Note que Votre Excellence a bien voulu m'adresser en date du 15 avril dernier, relativement à la revision du Traité d'établissement et de commerce suisse-britannique du 6 septembre, 1855.

Selon les instructions que je viens de recevoir de Berne, j'ai l'honneur de faire part à Votre Excellence que mon Gouvernement serait en mesure d'accepter le protocole tel que vous avez bien voulu me le communiquer, à condition qu'il soit ajouté à ce document un dernier alinéa dont Votre Excellence trouvera le texte dans le projet ci-inclus.

Cet alinéa reprend l'idée exprimée dans le premier projet présenté par la Grande-Bretagne, à savoir que la Suisse et la ou les Possessions auxquelles le Traité ne serait plus applicable continueraient provisoirement et réciproquement à traiter leurs produits aussi favorablement que ceux de n'importe quel Etat étranger. Cet accord provisoire durerait jusqu'à ce que l'une ou l'autre Partie aurait déclaré vouloir y mettre fin, moyennant dénonciation préalable. Le terme de cette dénonciation pourrait être fixé à six ou à douze mois, et mon Gouvernement est tout disposé à insérer dans le Protocole celui de ces termes que choisira le Gouvernement de Sa Majesté Britannique.

Sauf ce détail à régler, la teneur du Protocole serait celle reproduite dans l'annexe de la présente Note.

C'est avec intérêt que je recevrai information de l'accueil que la proposition suisse aura trouvé auprès du Gouvernement de Sa Majesté.

Je vous prie d'agréer, &c.,

CARLIN.

Son Excellence

Sir Edward Grey, Bart, K.G.,
&c., &c., &c.

PROTOCOLE.

Attendu qu'il est jugé désirable de prendre de nouvelles dispositions relative-ment à l'application du Traité suisse-britannique du 6 septembre, 1855, à certaines parties des Possessions de Sa Majesté Britannique, à savoir : le Dominion du Canada, la Fédération Australienne, le Dominion de la Nouvelle-Zélande, l'Union Sud-Africaine, et Terre-Neuve, le Conseil Fédéral de la Confédération Suisse et le Gouvernement de Sa Majesté Britannique sont tombés d'accord qu'à toute époque et moyennant dénonciation préalable de douze mois, l'une et l'autre des Parties contractantes auront le droit de terminer les effets du dit Traité quant à chacune des ou à toutes les Possessions mentionnées ci-dessus.

Il est entendu, en outre, que pour le cas où, grâce aux dispositions du présent protocole, le Traité dont il s'agit cesserait d'être applicable à la Fédération Australienne, il cesserait également d'être applicable à la Papouasie et à l'île de Norfolk, si le Gouvernement de Sa Majesté Britannique devait désirer qu'il en fût ainsi.

Enfin, il est entendu qu'en cas de dénonciation du dit Traité sur la base du présent protocole, la Suisse et la ou les Possessions auxquelles le Traité ne serait plus applicable, continueraient réciproquement à traiter leurs produits aussi favorablement que ceux de n'importe quel Etat étranger et ce aussi longtemps que l'une ou l'autre Partie n'aura pas déclaré, six (douze) mois à l'avance, qu'elle entend se retirer de cet accord provisoire.

15904

No. 297.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received May 24, 1912.)

[Answered by No. 299.]

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of

State, transmits herewith copy of a despatch from Sir C. Greene (Copenhagen), No. 24, Commercial, May 9, 1912: (Withdrawal of self-governing Dominions from Anglo-Danish Treaties).

Reference to previous letter: From Colonial Office, January 12, 1912 (40174/1911).*

Foreign Office,
May 23, 1912.

(Similar letter sent to Board of Trade.)

Enclosure in No. 297.

(No. 24. Commercial.)

SIR,

Copenhagen, May 9th, 1912.

WITH reference to your despatch, No. 55, of this series, of the 20th of October last, instructing me to enquire of the Danish Government whether they would be willing to sign a protocol empowering the self-governing Dominions to withdraw from commercial treaties between the United Kingdom and Denmark, I have the honour to state that, on receipt of your further despatches, Nos. 5 and 8, of the 3rd and 26th of February respectively, I addressed the note of which a copy is enclosed to Count Ahlefeldt on the 7th of March last, expressing the hope that His Excellency would be prepared to sign the revised draft Protocol which accompanied it, with the addition of a paragraph respecting Papua and Norfolk Island.

On the 15th of April I received the note of which a copy is enclosed from Count Ahlefeldt in reply, in which His Excellency informed me that he had received the authorisation of the King of Denmark to sign the draft Protocol in question, and asked me to meet him at the Ministry for Foreign Affairs on the 19th of that month in order to sign duplicate copies of the instrument. On the 18th, however, I received a message informing me that Count Ahlefeldt had been taken suddenly ill, and would be obliged to postpone the meeting agreed upon.

It was only yesterday that Count Ahlefeldt, who had been in hospital in the meantime, was able to again invite me to meet him for the purpose specified, and I accordingly called at the Foreign Office to-day and signed and sealed, in duplicate, and in common with His Excellency, the accompanying Protocol, which had been drawn up in the Ministry of Foreign Affairs, and the duplicate of which has been retained by that Department.

When taking leave of Count Ahlefeldt, I thanked His Excellency for the interest which he had taken in this matter from the first, and for the readiness which he had shown to meet the wishes of His Majesty's Government in regard to it.

I have, &c.,
CONYNHAM GREENE.

The Right Honourable
Sir Edward Grey, Bart., K.G., M.P.,
&c., &c., &c.

MONSIEUR LE MINISTRE,

Copenhagen, March 7th, 1912.

WITH reference to my note to Your Excellency of the 25th of October, and to Mr. Zahle's letter to me of the 6th of December last, I have the honour, by the instructions of Sir Edward Grey, to reply, as follows, to the enquiries contained in Mr. Zahle's letter with reference to the proposed Protocol respecting the position of the self-governing Dominions under the treaties between Great Britain and Denmark.

As regards the first enquiry, I am to state that the equal right of terminating commercial treaties has already been conceded in the case of some countries, and that the request of Your Excellency's Government is, in the opinion of His Majesty's Government, reasonable, and will not be opposed by them.

As regards the second inquiry, I am to state that His Majesty's Government are not in a position to give any undertaking that the goods of a foreign country not

* No. 248.

so entitled by treaty shall receive most-favoured-nation treatment in a self-governing Dominion. In the circumstances His Majesty's Government do not propose to pursue the proposal embodied in the draft Protocol enclosed in my note to Your Excellency of the 25th of October, 1911.

In view of this answer to the second enquiry, the point contained in the third enquiry does not arise.

I have now the honour to transmit to Your Excellency herewith a revised draft Protocol, in which Your Excellency will notice that a paragraph has been added associating with the Dominions for which it is sought to obtain the right of withdrawal from the treaties in question the cases of Papua and Norfolk Island, which became Colonies in 1888 and 1788, respectively, and which are bound by all treaties which mention Colonies in general terms. In this connection I have the honour to explain to Your Excellency that Papua is now under the administration of the Commonwealth of Australia, while Norfolk Island is administered by the Governor of New South Wales. It is possible that both Colonies may ultimately be incorporated in the Commonwealth of Australia. In any case, it is, in the opinion of His Majesty's Government, undesirable that treaty restrictions which are not applicable to the Commonwealth should be applicable to territories which are administered, the first directly by the Commonwealth, and the second by a State Governor.

I am accordingly to express the hope that, in view of the above explanation, Your Excellency will now be prepared to sign the revised draft Protocol with the addition of the paragraph respecting Papua and Norfolk Island.

I avail, &c.,
CONYNHAM GREENE.

His Excellency
Count Ahlefeldt-Laurvig,
&c., &c., &c.

COUNT AHLEFELDT to SIR CONYNHAM GREENE.

MONSIEUR LE MINISTRE,

Copenhagen, le 15 Avril 1912.

EN me référant à la note que vous avez bien voulu m'écrire le 7 du mois passé, j'ai l'honneur de vous faire savoir que le Gouvernement du Roi peut accepter le projet de protocole qui accompagnait votre note précitée relative aux traités en vigueur entre le Danemark et la Grande-Bretagne.

Ayant reçu l'autorisation de Sa Majesté le Roi de signer avec vous le projet de protocole susmentionné, j'ai l'honneur de vous inviter à vous rendre à l'hôtel du Ministère des Affaires Etrangères vendredi le 19 ct. à 5 heures de l'après-midi, pour y signer ledit protocole dont deux conformes exemplaires seront préparés par les soins de ce Ministère.

Veuillez agréer, &c.,
C. W. AHLEFELDT-LAURVIG.

DRAFT PROTOCOL.

Whereas the commercial relations between the British Empire and the Kingdom of Denmark are regulated by the treaties of February 13th, 1660-1 and July 12th, 1670, and whereas it is desirable to make further provisions with regard to the application of the said treaties to certain parts of His Britannic Majesty's Dominions, viz.:—the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, and the Colony of Newfoundland, the Government of His Britannic Majesty and the Government of His Majesty the King of Denmark hereby agree that either of the contracting parties shall have the right to terminate the said treaties with respect to any or all of the above-mentioned Dominions at any time on giving twelve months' notice to that effect.

It is further agreed that should the said Treaties cease, in pursuance of this Protocol, to be applicable to the Commonwealth of Australia, they shall also cease to be applicable to Papua and Norfolk Island, if so desired by either of the contracting parties.

15712

No. 298.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 301.]

SIR,

Downing Street, 31 May, 1912.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 21st of May,* on the subject of the proposal to enable the self-governing Dominions to withdraw from the Commercial Treaty with Colombia.

2. In reply I am to request that you will inform Secretary Sir Edward Grey that Mr. Harcourt would suggest that the Colombian Government should be informed that His Majesty's Government have no objection to make the engagement reciprocal as want of reciprocity appears to be the ground on which objection is felt to the draft Protocol proposed, and that they should be asked to sign instead a draft Protocol in the form which was agreed upon in the case of the Danish Treaty, and a copy of which was enclosed in the letter from this Office of the 12th of January.†

3. With regard to the penultimate paragraph of Mr. Wyndham's despatch of the 15th of April,‡ I am to suggest that the Colombian Government should be informed of those Powers which have agreed to sign similar Protocols up to the date of the despatch addressed to His Majesty's Minister.

I am, &c.,
H. W. JUST.

15904

No. 299.

COLONIAL OFFICE to FOREIGN OFFICE.

[See No. 308.]

SIR,

Downing Street, 1 June, 1912.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 23rd ultimo,§ forwarding a copy of a despatch from His Majesty's Minister at Copenhagen, relative to the signature of the protocol securing to His Majesty's Government the right to terminate certain treaties between the United Kingdom and Denmark with respect to His Majesty's self-governing Dominions.

Mr. Harcourt would be glad to have a copy of the protocol with the signatures for transmission to the Governments of the Dominions.

I am, &c.,
HENRY LAMBERT,
for the Under-Secretary of State.

15866

No. 300.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 307.]

SIR,

Downing Street, 6 June, 1912.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 23rd of May,|| and to observe that Mr. Harcourt understands that the proposal now made by the Swiss Government is that His Majesty's Government should be enabled to liberate any self-governing Dominion from the treaty on giving twelve months' notice, but that after this period the Dominion in question would be obliged to give most-favoured-nation treatment to Switzerland until a further six or twelve months had elapsed from the date of a further notification being made to the Swiss Government of the intention of the Dominion to withdraw such most-favoured-nation treatment.

The wording of the Swiss note is indeed not quite clear, and Mr. Harcourt would have preferred that it should have been possible to give the further six or twelve months' notice during the currency of the first twelve months' notice, so that

* No. 293. † No. 248. ‡ Enclosure in No. 293. § No. 297. || No. 296.

both notices should have expired together, but the point is of minor importance, and if Sir E. Grey considers it inadvisable to press it, Mr. Harcourt sees no objection to the signature forthwith of the protocol as proposed by the Swiss Government, six months, not twelve, being inserted in the penultimate line.

I am, &c.,
H. W. JUST.

17941

No. 301.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received June 10, 1912.)

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of the following paper: To His Majesty's Minister, Bogotá, No. 7, Commercial, June 7: (Withdrawal of Colonies from Anglo-Colombian Treaty).

Reference to previous letter: from Colonial Office, May 31, 1912.*

Foreign Office,
June 10, 1912.

Enclosure in No. 301.

(No. 7. Commercial.)

SIR,

Foreign Office, June 7th, 1912.

I HAVE received your despatch, No. 7, Commercial, of the 15th April, giving the observations of the Minister for Foreign Affairs respecting the draft protocol, which you had submitted to him, for enabling the self-governing Dominions to withdraw from the Anglo-Colombian Treaty of 1866.

In order to meet the objections raised by the Colombian Government to the unilateral character of the protocol, and also to the clause providing for most-favoured-nation treatment after the denunciation of the Treaty by any of the Dominions, I transmit to you herewith a revised draft which, it is hoped, will meet the views of the Colombian Government in these respects.

When submitting the new protocol to the Colombian Government, you should inform them that the Governments of Greece, Egypt, Liberia, Paraguay, Sweden, and Denmark have already signed similar protocols, and that it is expected that the French Government will do likewise shortly. The draft protocol now enclosed is identical with that signed by the Danish Minister for Foreign Affairs.

P. C. H. Wyndham, Esq.,
&c., &c., &c.

I am, &c.,
E. GREY.

DRAFT PROTOCOL.

Whereas the commercial relations between the British Empire and the Republic of Colombia are regulated by the Treaty of February 16th, 1866, and whereas it is desirable to make further provision with regard to the application of the said Treaty to certain parts of His Britannic Majesty's dominions, viz.: the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, and the Colony of Newfoundland, the Government of His Britannic Majesty and the Government of Colombia hereby agree that either of the contracting parties shall have the right to terminate the said Treaty with respect to any or all of the above-mentioned Dominions at any time on giving twelve months' notice to that effect.

It is further agreed that should the said Treaty cease, in pursuance of this protocol, to be applicable to the Commonwealth of Australia, it shall also cease to be applicable to Papua and Norfolk Island if so desired by either of the contracting parties.

* No. 298.

15865

No. 302.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by 23972 in Dominions No. 45.]

SIR,

Downing Street, 12 June, 1912.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letters of the 30th April, of the 21st May, and of the 23rd May,* relative to the position of the British self-governing Dominions under the existing Commercial Treaty with the Argentine Republic, and to the desire of the Argentine Government that negotiations should be set on foot for the conclusion of a new treaty.

2. Mr. Harcourt has no objections to offer to the institution of negotiations for a new Treaty with the Argentine Republic on the basis of the draft Treaty enclosed in your letter of the 21st May,† but he desires that the first paragraph of Article 21 should be amended to read as follows:—

"The stipulations of the present Treaty shall not be applicable to any of His Britannic Majesty's self-governing Dominions, Colonies, Possessions, or Protectorates beyond the seas, unless notice of the desire of His Britannic Majesty's Government that the said stipulations shall apply to any such self-governing Dominion, Colony, Possession, or Protectorate shall have been given by His Britannic Majesty's representative, &c., &c."

and that the second paragraph of Article 22 should be amended to read as follows:—

"As regards, however, the British self-governing Dominions, Colonies, Possessions, and Protectorates to which the stipulations of the present Treaty shall have been made applicable under Article 21, &c., &c."

3. Mr. Harcourt concurs in the suggestion of the Board of Trade that the Argentine Government might be asked, pending the conclusion of a new Treaty, to agree to an arrangement permitting the termination of the existing Treaty in respect of the British self-governing Dominions.

4. He would wish, however, that His Majesty's representative at Buenos Ayres should be instructed to avoid the use of the word "withdrawal" in any representations which he may make to the Argentine Government on the subject. With a view to facilitate this, it is suggested that a new draft Protocol should be submitted to them, based on the Anglo-Danish Declaration of the 9th May last. That declaration not only avoids the use of the word "withdrawal," but follows the terms of Article 22 of the draft Treaty enclosed in your letter of the 21st May† in conferring a reciprocal right to terminate.

5. It has already been suggested (*vide* the letter from this Department of the 31st ultimo†) that the terms of the Anglo-Danish Declaration should be followed in the proposed arrangement with the Government of Colombia. Mr. Harcourt leaves it to Sir E. Grey's discretion whether the draft Protocol to be submitted to the Argentine Government should recite the fact that negotiations for a new Treaty are in contemplation and that the proposed arrangement is made pending the conclusion of the new Treaty, but he thinks that, as in the case of Colombia, it might be advantageous to inform the Argentine Government of the names of the other countries which have agreed to sign similar Protocols.

I am, &c.,

H. W. JUST.

14031

No. 303.

AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 249.)

MY LORD,

Downing Street, 12 June, 1912.

WITH reference to my despatch, No. 99, of the 23rd of February,§ I have the honour to transmit to Your Excellency, for the information of your Ministers, the

* Nos. 286, 294, and 295.

† No. 294.

‡ No. 298.

§ No. 260.

accompanying copy of a despatch* from His Majesty's Minister at Stockholm on the subject of the position of Papua and Norfolk Island under the Anglo-Swedish Treaties.

I have, &c.,

L. HARCOURT.

18407

No. 304.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received June 14, 1912.)

[Answered, July 4, by 18407 in Dominions No. 45.]

SIR,

Foreign Office, June 13, 1912.

IN paragraph 4 of your letter, 7658/1912, of the 10th April,† you request Secretary Sir E. Grey's views as to whether the Costa Rican and Peruvian Treaties come within the scope of the Resolution of the Imperial Conference respecting the withdrawal of the self-governing Dominions from certain Commercial Treaties.

I am directed by Sir E. Grey to state in reply that, in his opinion, the Peruvian Treaty imposes no obligation on the Dominions to grant Peru any special tariff privileges. In these circumstances, he assumes that Mr. Secretary Harcourt will not consider the Treaty as coming within the scope of the Conference Resolution.

I am to state, however, that Article IV. of the Costa Rican Treaty, although not actually providing for most-favoured-nation treatment in respect of Costa Rican goods imported into the British Dominions, appears to impose on the Dominions obligations of the kind against which the Resolution is more particularly directed.

I am to suggest, therefore, subject to Mr. Harcourt's concurrence, that the Costa Rican Government should be approached with a view to obtaining for the Dominions the faculty of withdrawal from the Treaty.

I am, &c.,

A. LAW.

18409

No. 305.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received June 14, 1912.)

[Answered, July 4, by 18409 in Dominions No. 45.]

SIR,

Foreign Office, June 13, 1912.

I AM directed by Secretary Sir E. Grey to acknowledge the receipt of your letter, 7658/1912, of the 10th April,† respecting the treaties of trade and commerce which are applicable to Canada.

I am to transmit to you herewith a further list‡ of unilateral treaties, which secure benefits to Canada without corresponding obligations. It is believed that this fresh list, which has been compiled with great care, is complete. Sir E. Grey would propose to leave it to Mr. Secretary Harcourt to decide whether it is necessary to communicate the list to the Canadian Government.

A revised list‡ of treaties imposing obligations on Canada is also enclosed. This list now includes, as was suggested in your letter, the United States Treaty of 1871, and the Italian-Spanish and United States Joint Stock Declarations of 1867, 1875, and 1877, respectively.

As regards the Anglo-French Commercial Treaty of 1826, I am to state that, on further consideration, it has been decided that only the first two of the Additional Articles, and not the Treaty itself, can be held to be applicable to the Dominions and Colonies. I am also to call attention to the fact that in the protocol to be signed with the French Government providing for the withdrawal of the Dominions from these Additional Articles it is specifically stated that the French Government do not consider them to be now binding upon Canada.

Although in general the Anglo-French Treaty of 1897 respecting Tunis may be held to be inapplicable to Canada, I am to suggest that there is nothing to prevent Canada from claiming the privileges granted by Article II. in respect of

* Enclosure in No. 288.

† No. 278.

‡ Not printed.

cotton goods. I am to state, in this connexion, that no declaration has yet been exchanged regarding Tunis, as provided for in Article XVIII. of the Canadian-French Agreement of 1907.

I am to express agreement with the reasons given in your letter for considering the Persian Treaty of 1857 as imposing certain limited obligations on Canada. Sir E. Grey, on the other hand, considers the Treaty of 1903 as unilateral, because it does not compel the Dominions to grant any rights or privileges either in respect of persons or goods. On the other hand, the tenour of Article II., in his opinion, shows clearly that it was not intended that a Dominion which did not grant most-favoured-nation treatment to Persian goods should still claim most-favoured-nation treatment in Persia under Article I.

Lastly, I am to state that the Additional Articles of the Bolivian Treaty of 1840 have lapsed.

A separate letter* will be addressed to you giving Sir E. Grey's views as to whether the treaties with Costa Rica and Peru of 1849 and 1850, respectively, come within the scope of the Resolution of the Imperial Conference of 1911 respecting the withdrawal of the self-governing Dominions from certain commercial treaties.

I am, &c.,
A. LAW.

15557

No. 306.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by 20550 in Dominions No. 45.]

SIR,

Downing Street, 17 June, 1912.
I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letters of the 8th March and of the 18th May,† forwarding respectively copies of a memorandum communicated to the Japanese Embassy and of the memorandum communicated by the Japanese Embassy in reply, relative to the interpretation of Articles 1 and 8 of the Anglo-Japanese Treaty of the 3rd April, 1911.

2. As regards Article 1, I am to observe that to say that in respect of the "liberty to enter" conferred by the Treaty Japanese subjects are to be treated on the same footing as subjects of the most-favoured-nation does not remove the existing ambiguity. Such a formula leaves it still to be ascertained what rights are possessed by the nationals of other Powers, e.g., Italy, who have "full liberty to enter" under Treaty.

3. The point to which Mr. Harcourt would, however, wish to invite especial attention is the meaning to be attached to the words "in any way" which the Japanese Government desire to have inserted in the statement of the interpretation of Article 1, and before agreeing to their insertion he would be glad to receive the observations of Sir E. Grey on the point. If the words refer solely to the form of the legislation, Mr. Harcourt has no remarks to offer, but it seems possible that they are intended to cover cases in which legislation (e.g., legislation imposing a dictation test as a condition of entry), though not in form discriminating against Japanese subjects, in practice involves, or is so administered as to involve, such discriminations.

4. Legislation of this kind was in force in Natal during the currency of the Treaty with Japan of the 16th July, 1894, and though that Treaty applied to Natal, the Japanese Government were so far from objecting to the Natal legislation on Treaty grounds that they urged the British Government to induce the Australian Colonies to pass similar legislation, and among the Acts passed on the Natal model was the Immigration Restriction Act, enacted by the Commonwealth Parliament in 1901 and extending equally with the rest of Australia to the State of Queensland, to which, like Natal, the Treaty of the 16th July, 1894, applied. Consequently, if the words "in any way" are aimed at such legislation, the desire of the Japanese Government for their insertion would appear to indicate an intention on their part to take a stricter view of their Treaty rights in the future.

5. As regards Article 8, the only observation which Mr. Harcourt has to offer is the suggestion that for the phrase "His Majesty's Dominions beyond the Seas or Colonies" the following phrase should be substituted:—"Any of His Britannic

* No. 304.

† Nos. 264 and 292.

Majesty's Dominions, Colonies, Possessions or Protectorates beyond the Seas to which the Treaty has been or may be made applicable under the provisions of Article 26."

I am, &c.,
H. W. JUST.

18996

No. 307.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received June 20, 1912.)

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of a Note from the Foreign Office to the Swiss Minister, June 18, 1912, on the subject of the withdrawal of the Colonies from the Anglo-Swiss Treaty.

Reference to previous letter: From Colonial Office, June 6.*

Foreign Office,
June 19, 1912.

Enclosure in No. 307.

SIR,

Foreign Office, June 18, 1912.

In your Note of the 16th ultimo, you were so good as to communicate to me a draft Protocol enabling His Majesty's Self-Governing Dominions to withdraw from the Anglo-Swiss Commercial Treaty of September 6th, 1855. I have now the honour to inform you that His Majesty's Government are prepared to accept the wording of this Protocol, provided that in the last paragraph it is stipulated that only six months' notice need be given in order to terminate the provisional system of most-favoured-nation treatment which is to ensue after the withdrawal of a Dominion from the Treaty.

I have the honour to propose that, if your Government agree, the Protocol should be signed at Berne by the Swiss Minister for Foreign Affairs and His Majesty's Minister.

I have, &c.,
E. GREY.

Monsieur Carlin,
&c., &c., &c.

17564

No. 308.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 422.) (New Zealand. No. 181.)
(Australia. No. 262.) (Newfoundland. No. 124.)
(Union of South Africa. No. 295.)

[SIR], [MY LORD],

Downing Street, 21 June, 1912.

WITH reference to my despatch, No. [885A] [477A] [588A] [373A] [249A] of the 1st of November, 1911,† I have the honour to transmit to [Your Royal Highness] [Your Excellency] [you], for the information of your Ministers, the accompanying copies of a Declaration‡ between the United Kingdom and Denmark, signed at Copenhagen on the 9th of May, respecting the application of the existing Anglo-Danish treaties of commerce to the self-governing Dominions.

[To Australia only. 2. Your Ministers will observe that provision has been made that should the Treaties in question cease to be applicable to the Commonwealth of Australia they shall also cease to be applicable to Papua and Norfolk Island if so desired by either of the contracting Powers.]

I have, &c.,
L. HARCOURT.

* No. 300.

† No. 223.

‡ Treaty Series, No. 13 [Cd. 6203], June, 1912.

(b) CONCLUSION OF COMMERCIAL AGREEMENTS BY THE DOMINIONS.

16908

No. 309.

CANADA.

SIR WILFRID LAURIER to THE SECRETARY OF STATE.

[Answered by No. 310.]

DEAR MR. HARCOURT,

London, 21st May, 1911.

My colleague, Fielding, has just sent me a cable which reads as follows:—

"LAURIER, London.

Ottawa, 20th May, 1911.

"To allow time for further consideration Japanese question, we have passed Act authorising Governor in Council to continue to Japan for a period not exceeding two years the favoured nation treatment as respects Customs duties expressed in Article Five of existing treaty, provided Japan gives assurance that the reciprocal concession in said Article will be granted to Canada. Japanese Consul states his Government ready to give the necessary assurance. This can be done by exchange of letters with the Consul at Ottawa, which would be quite sufficient for our purpose. Possibly Imperial authorities would prefer to have the assurance given through Foreign Office. Please see Colonial and Foreign Secretaries, and ascertain their view.—FIELDING."

Will you kindly discuss with the Foreign Office Mr. Fielding's suggestion that we be authorised to exchange letters with the Japanese Consul at Ottawa? and if agreeable, I would deem it a favour to be informed at the earliest possible moment.

Believe me, &c.,

WILFRID LAURIER.

16908

No. 310.

CANADA.

THE SECRETARY OF STATE to SIR WILFRID LAURIER.

DEAR SIR WILFRID,

Downing Street, 23 May, 1911.

I DULY received your letter of the 21st of May,* embodying a telegram from Mr. Fielding on the question of the form in which should be recorded the arrangement for continuing in the Dominion for a period not exceeding two years the favoured nation treatment at present enjoyed by Japan, subject to a reciprocal concession by Japan. After discussion with the Foreign Secretary, I informed you yesterday that we consider that the proper procedure is to follow the precedent set in 1906 when the Canadian-Japanese Convention was concluded, and to record the present arrangement through the diplomatic channel. I am requesting Sir E. Grey to take action accordingly.

I have, &c.,

L. HARCOURT.

16908

No. 311.

CANADA.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 312.]

SIR,

Downing Street, 23 May, 1911.

WITH reference to the letter from this department of the 17th of May† and previous correspondence, I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Secretary of State for Foreign Affairs, copies of correspondence with Sir W. Laurier respecting the continuance for a period not exceeding

* No. 309.

† 15688: not printed.

‡ Nos. 309 and 310.

two years of the existing reciprocal concessions at present accorded under the Canadian-Japanese Convention of 1906.

Mr. Harcourt would be glad if Sir E. Grey would cause a communication to be made to the Japanese Ambassador accordingly.

I am, &c.,

C. P. LUCAS.

17219

No. 312.

CANADA.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 27 May, 1911.)

[Answered by No. 315.]

SIR,

Foreign Office, May 26, 1911.

SECRETARY Sir E. Grey has had under his consideration your letter, 15688/11, of the 17th instant,* in which you enclosed a copy of a telegram from the Governor-General of Canada, and your further letter of the 23rd instant,† on the question of the adherence of the Dominion to the recently concluded Commercial Treaty with Japan.

In accordance with your suggestion, it is proposed to notify to the Japanese Ambassador the decision of the Dominion Government not to adhere to the new Treaty, at the same time informing His Excellency of the suggestion made by Canada that the existing most-favoured-nation treatment should be mutually extended by Japan and Canada for a period not exceeding two years.

From the wording of Earl Grey's telegram it would seem that the Japanese Consul-General at Ottawa has exceeded his Consular functions in communicating with the Dominion Government on a question of this nature, and Sir E. Grey proposes, with the concurrence of the Secretary of State for the Colonies, to add a paragraph in his note to Monsieur Kato to the effect that it would be more regular if the matter were dealt with through the proper diplomatic channel and not through the Japanese Consul-General at Ottawa, who appears to have approached the Dominion Government direct on the subject.

I am, &c.,

F. A. CAMPBELL.

16908

No. 313.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Confidential.)

MY LORD,

Downing Street, 27 May, 1911.

I HAVE the honour to acknowledge the receipt of Your Excellency's telegram of the 13th inst.,‡ stating that your Ministers think that it would not be advisable for Canada to adhere to the Anglo-Japanese Commercial Treaty of 1911, but that they propose, in order to allow time for further consideration of the question, to ask the Dominion Parliament to pass an Act to continue to Japan for a period not exceeding two years the tariff privileges which Japan now enjoys under the existing Convention on condition that an assurance is given that a reciprocal concession will be granted to Canada.

I have received a letter from the Right Hon. Sir Wilfrid Laurier on the subject of the form in which the proposed arrangement with Japan should be recorded, from which it appears that the Act referred to has been passed by the Dominion Parliament. I enclose, for the information of your Ministers, copies of this letter and of further correspondence and also of a letter§ to the Foreign Office, from which

* 15688: not printed.

† No. 311.

‡ 15688: not printed.

§ Nos. 309, 310, and 311.

your Ministers will observe that it has been considered that the precedent set in 1906, when the Canadian-Japanese Convention was concluded, should be followed and that the present arrangement should be recorded through the diplomatic channel.

I have, &c.,
L. HARCOURT.

17505

No. 314.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.45 a.m., 28th May, 1911.)

TELEGRAM.

Referring to early expiration of treaty with Japan. To allow time for further consideration of question of new treaty my Ministers have obtained Parliamentary authority in the form of Act of which following is summary:—

Begins: Section 1 provides for most-favoured-nation treatment for imports from Japan;

Section 2 provides that there shall not be any discriminatory prohibition upon importation of any article from Japan. This section not applicable to sanitary or other prohibitions for protection of persons, cattle, or plants;

Section 3 provides that Act shall not be brought into force until Governor in Council satisfied that Canada is receiving most-favoured-nation treatment from Japan and will continue to receive it, as long as Act remains in operation;

Section 4 provides that Act shall come into force on date to be fixed by Order in Council and remain in force for not more than two years from 17th July next. *Ends.*

My Ministers understand from Japanese Consul here that Government of Japan would be ready to grant Canada the reciprocal advantage required by Section 3. Desirable that such assurance should be obtained from Government of Japan in such a manner as His Majesty's Government may deem best. See Hansard 18th May, copy of which sent you 25th May.

Despatch* follows by mail.—GREY.

17219

No. 315.

CANADA.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 316.]

SIR,

Downing Street, 31 May, 1911.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 26th of May,† on the subject of the adhesion of the Dominion of Canada to the Commercial Treaty with Japan.

2. In reply, I am to transmit to you, to be laid before Secretary Sir Edward Grey, the accompanying copy of a telegram‡ from the Governor-General of Canada on this question.

3. Mr. Harcourt will be glad if Sir E. Grey will cause a communication to be made forthwith to the Japanese Government with a view to obtaining an assurance from that Government in the sense contemplated in Section 3 of the Canadian Act, a summary of which is given in Earl Grey's telegram.

4. With regard to the last paragraph of your letter, while Mr. Harcourt concurs in the view taken by Sir Edward Grey as to the action of the Japanese

* 18440: not printed.

† No. 312.

‡ No. 314.

Consul-General, he would prefer that a decision as to any statement to the Japanese Government on the subject should stand over until it is known whether Sir Wilfrid Laurier proposes to take up, at the Imperial Conference, the general question of the position of Consuls in the Dominions.

I am, &c.,
C. P. LUCAS.

18677

No. 316.

CANADA.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 8 June, 1911.)

[Answered by No. 320.]

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of the following paper: To Japanese Ambassador, June 7th; Commercial Relations: Japan and Canada.

Reference to previous letter: Colonial Office, 17219, of 31st May, 1911.*

Foreign Office,
June 7th, 1911.

Enclosure in No. 316.

YOUR EXCELLENCY,

Foreign Office, June 7th, 1911.

In your note of January 17th last, Your Excellency was good enough to inform me of the desire of the Japanese Government to terminate the Convention of January 31st, 1906, regarding commercial relations between Japan and Canada as from July 17th next, and, at the same time, in view of the increasing importance of the commercial relations between the two countries, to express the hope that His Majesty's Government might be able in due course to notify the adhesion of the Dominion Government to the new Anglo-Japanese Treaty of Commerce of April 3rd last.

The matter was at once referred to the Department of His Majesty's Government concerned, and I now have the honour to inform Your Excellency of the decision come to by the Canadian Government in the matter.

While regretting that they do not see their way to adhere to the Treaty of April 3rd, they, however, undertake, in order to allow ample time for the negotiation of a new Treaty, to ask the Dominion Parliament to grant the tariff privileges now enjoyed by Japan under the old Treaty for a period not exceeding two years on condition that the tariff privileges at present enjoyed by Canada were continued by Japan, and they have obtained parliamentary authority to a form of instrument of which the following is a summary:—

Section 1 provides for most-favoured-nation treatment for imports into Canada from Japan.

Section 2 provides that there shall not be any discriminatory prohibition upon the importation of any article from Japan. This section will not, however, be applicable to sanitary or other prohibitions for the protection of persons, cattle, or plants.

Section 3 provides that the Act shall not be brought into force until the Governor-General in Council is satisfied that Canada is receiving most-favoured-nation treatment from Japan and will continue to receive it as long as the Act remains in operation.

Section 4 provides that the Act shall come into force on a date to be fixed by Order in Council and shall remain in force for not more than two years from July 17th next.

I shall, therefore, be glad if Your Excellency will bring the above facts to the notice of your Government with a view to obtaining the desired assurance.

* No. 315.

The Act should be recorded in the usual manner through the diplomatic channel.

His Excellency
Monsieur Kato,
&c., &c., &c.,

I have, &c.,
E. GREY.

19058

No. 317.

CANADA.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 12 June, 1911.)

[Answered by No. 320.]

SIR, Foreign Office, 10 June, 1911.
WITH reference to previous correspondence ending with the letter from your Department of the 31st ultimo,* I am directed by Secretary Sir E. Grey to transmit to you herewith, to be laid before the Secretary of State for the Colonies, a copy of a note which has been communicated to him by the Japanese Ambassador on the subject of the commercial relations between Japan and Canada.

Sir E. Grey would be glad to be informed at his earliest convenience whether Mr. Harcourt concurs in the Japanese proposal that an agreement should be concluded through the ordinary channels, to be given effect to by an exchange of notes.

I am, &c.,
W. LANGLEY.

Enclosure in No. 317.

SIR, Japanese Embassy, London, 9 June, 1911.
I HAVE the honour to acknowledge the receipt of your note, dated June 7th, on the subject of a temporary arrangement with respect to the commercial relations between the Empire of Japan and the British Dominion of Canada.

In reply I beg to state that the Imperial Government are prepared to accord the most-favoured-nation treatment to Canadian goods on condition of reciprocity during a period of two years from the 17th July, 1911, and to negotiate a new commercial treaty in the meantime. They deem it necessary, however, that an agreement should be concluded through the ordinary channels and binding both parties to the same effect and further consider that the object might be accomplished by an exchange of notes.

In view of the approaching date of the expiration of the present convention, I shall be happy to know whether you would concur in the above views of my Government and, if so, whether you would consult with me regarding the necessary steps to be taken in the matter.

I have, &c.,
TAKAOKI KATO.

Sir Edward Grey, Bart., M.P.,
&c., &c., &c.

19058

No. 318.

CANADA.

THE SECRETARY OF STATE to SIR WILFRID LAURIER.

DEAR SIR WILFRID, Downing Street, 14 June, 1911.
WITH reference to my letter of the 23rd of May,† I enclose for your information a copy of further correspondence‡ respecting the commercial arrangement between Canada and Japan.

* No. 315.

† No. 310.

‡ Enclosures in Nos. 316 and 317.

I propose, with your concurrence, to inform Sir E. Grey that it is agreed that the arrangement should be concluded, as proposed by the Japanese Government, through the ordinary channels and given effect to by an exchange of notes.

Yours, &c.,
L. HARCOURT.

19058

No. 319.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Answered by No. 323.]

(Confidential.)

MY LORD, Downing Street, 14 June, 1911.
WITH reference to my despatch, Confidential, of the 27th of May,* and to Your Excellency's despatch, No. 311, of the 29th of May,† I have the honour to transmit to Your Excellency, for the information of your Ministers, copies of further correspondence‡ respecting the commercial relations between Canada and Japan.

I have, &c.,
L. HARCOURT.

19058

No. 320.

CANADA.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR, Downing Street, 14 June, 1911.
WITH reference to your letters of the 7th of June and of the 10th of June,§ I am directed by Mr. Secretary Harcourt to transmit to you, for the information of Secretary Sir E. Grey, copy of further correspondence|| respecting the commercial relations between Canada and Japan.

I am, &c.,
C. P. LUCAS.

21248

No. 321.

CANADA.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 29 June, 1911.)

[Answered by No. 322.]

SIR, Foreign Office, June 28th, 1911.
WITH reference to my letter of the 10th instant,¶ on the subject of the commercial relations between Canada and Japan, I am directed by Secretary Sir E. Grey to inform you that the Japanese Government desire to record, with as little delay as possible, either by an exchange of notes or in a treaty, the arrangement by which these two countries give each other most-favoured-nation treatment for another two years.

The first alternative seems preferable, and I am accordingly to transmit to you, to be laid before Mr. Secretary Harcourt, the draft of two notes to be exchanged between Sir E. Grey and the Japanese Ambassador for this purpose. Should Mr. Harcourt concur, a communication will at once be addressed to Mr. Kato in this sense.

The favour of a very early answer is requested.

I am, &c.,
F. A. CAMPBELL.

* No. 313. † 18440: not printed. ‡ Enclosures in Nos. 316 and 317, and No. 318.
§ Nos. 316 and 317. || 18440: not printed, and Nos. 318 and 319. ¶ No. 317.

Enclosures in No. 321.

Sir E. GREY to Monsieur KATO.

(Draft.)

YOUR EXCELLENCY,

Foreign Office, June , 1911.

I HAVE the honour to inform you that His Majesty's Government are prepared to assent to the Dominion of Canada continuing for a period not exceeding two years from July 17th next, the date of the expiry of the Convention of January 31st, 1906, between Canada and Japan, the most-favoured-nation treatment as regards Customs duties and other matters expressed in Article 5 of the Anglo-Japanese Commercial Treaty of July 16th, 1894.

I have the honour to enquire whether the Imperial Japanese Government are prepared on their side to give an assurance that the reciprocal concession in the said article will be likewise granted to Canada.

I have, &c.,

Monsieur KATO to Sir E. GREY.

(Draft.)

SIR,

Foreign Office, June , 1911.

I HAVE the honour to acknowledge the receipt of your note of to-day's date, informing me that His Majesty's Government are prepared to assent to the Dominion of Canada continuing for a period not exceeding two years from July 17th next, the date of the expiry of the Convention of January 31st, 1906, between Japan and Canada, the most-favoured-nation treatment as regards Customs duties and other matters expressed in Article 5 of the Commercial Treaty of July 16th, 1894, between Japan and Great Britain, on the understanding that the Imperial Japanese Government are equally prepared to agree to such continuation.

I have the honour to accept, on behalf of the Imperial Japanese Government, the proposal of His Majesty's Government that the most-favoured-nation treatment in question should be continued for a period not exceeding two years, from the 17th of July next, and the present exchange of notes between us is accordingly regarded by them as placing upon record the understanding arrived at between our respective Governments

I have, &c.,

21248

No. 322.

CANADA.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 323.]

SIR,

Downing Street, 30 June, 1911.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 28th of June,* on the subject of the commercial relations between Canada and Japan.

2. In reply, I am to request that you will inform Secretary Sir Edward Grey that it seems to Mr. Harcourt that it would be more in accordance with the exact position if in the proposed Notes for the words "His Majesty's Government are prepared to assent to the Dominion of Canada continuing" were used the words "His Majesty's Government agree to the continuance in respect of the Dominion of Canada"; and for the words "The Convention of January 31st, 1906, between Canada and Japan" were used the words "The Convention between the United Kingdom and Japan of January 31st, 1906, respecting commercial relations between Canada and Japan."

3. If Sir Edward Grey concurs in these proposed alterations, Mr. Harcourt sees no objection to the exchange of Notes taking place forthwith.

I am, &c.,

C. P. LUCAS.

* No. 321.

22209

No. 323.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.30 a.m., 7th July, 1911.)

TELEGRAM.

[Copy to Foreign Office, July 12, 1911. L.F.]

[Answered by No. 324.]

Your despatch 14th June.* Acting Prime Minister suggests that in view of desirability of bringing into force recent legislation with regard to reciprocal trade between Canada and Japan before the existing Treaty expires on the 17th July, exchange of notes contemplated by Sir Edward Grey and the Japanese Ambassador should be made forthwith, and that when such exchange takes place advice thereof be cabled.—GREY.

22209

No. 324.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 6 p.m., 7th July, 1911.)

TELEGRAM.

[Copy to Foreign Office, July 12, 1911. L.F.]

Your telegram 7th July.† Notes are being exchanged to-day and Act should be proclaimed with effect from July 17th.—HARCOURT.

22460

No. 325.

CANADA.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 10 July, 1911.)

[Copy of enclosures to Governor-General, 14 July, 1911. No. 580.]

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copies of the following papers:—To Japanese Ambassador, from Japanese Ambassador, Telegram to His Majesty's Chargé d'Affaires, Tokio, No. 29, July 7: Japanese-Canadian Commercial Agreement, Exchange of Notes.

Reference to previous letter: Colonial Office, June 30.‡

Foreign Office,

July 8, 1911.

Enclosure 1 in No. 325.

YOUR EXCELLENCY,

Foreign Office, July 7, 1911.

I HAVE the honour to inform you that His Majesty's Government agree to the continuance in respect of the Dominion of Canada for a period of two years from July 17th next—the date of the expiry of the Convention between the United Kingdom and Japan of January 31st, 1906, respecting commercial relations between Canada and Japan—of the most-favoured-nation treatment as regards customs duties and other matters expressed in Article 5 of the Anglo-Japanese Commercial Treaty of July 16th, 1894, on the understanding that the Imperial Japanese Government are equally prepared to agree to such continuation.

* No. 319.

† No. 323.

‡ No. 322.

I have the honour to enquire whether the Imperial Japanese Government are prepared on their side to give an assurance that the reciprocal concession in the said article will be likewise granted to Canada.

Should you agree to the proposed arrangement, the present note and your reply will be regarded by His Majesty's Government as placing upon record the understanding arrived at between our respective Governments in this matter.

I have, &c.,
E. GREY.

His Excellency
Monsieur Takaaki Kato,
&c., &c., &c.

Enclosure 2 in No. 325.

SIR, Japanese Embassy, London, July 7th, 1911.
I HAVE the honour to acknowledge the receipt of your note of to-day's date informing me that His Britannic Majesty's Government agree to the continuance in respect of the Dominion of Canada, for a period of two years from July 17th next, the date of the expiry of the Convention between Japan and the United Kingdom of January 31st, 1906, respecting commercial relations between Japan and Canada, of the most-favoured-nation treatment as regards customs duties and other matters expressed in Article 5 of the Commercial Treaty of July 16th, 1894, between Japan and Great Britain, on the understanding that the Imperial Japanese Government are equally prepared to agree to such continuation.

I have the honour to state that the Imperial Japanese Government are prepared on their side to give an assurance that the reciprocal concession in the said Article will be likewise granted to Canada, and the present exchange of notes between us is accordingly regarded by them as placing upon record the understanding arrived at between our respective Governments.

I have, &c.,
TAKAAKI KATO.

The Right Honourable
Sir Edward Grey, Bart., M.P.,
&c., &c., &c.

Enclosure 3 in No. 325.

Sir EDWARD GREY to Mr. RUMBOLD (Tokyo).

(No. 29.) R.

Foreign Office, July 7, 1911, 4.40 p.m.

Notes exchanged to-day with Japanese Ambassador extending most-favoured-nation treatment between Canada and Japan, as defined in Article 5 of Treaty of 1894, for two years from 17th July next.

Notes will be published here and at Tokyo on 14th July.

23852

No. 326.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 601.)
(Australia. No. 310.)
(Union of South Africa. No. 343.)

(New Zealand. No. 248.)
(Newfoundland. No. 164.)

[MY LORD],

Downing Street, [21], [22] July, 1911.

[SIR],

I HAVE the honour to transmit to [Your Excellency] [you], for the information of your Ministers, the accompanying copy of the treaty* concluded on the 13th of July with Japan.

I have, &c.,
L. HARCOURT.

* [Cd. 5735].

24968

No. 327.

CANADA.

THE ACTING GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 31 July, 1911.)

[Copy to Foreign Office and Board of Trade, August 14, 1911. L.F.]

(No. 411.)

SIR,

Government House, Ottawa, 16 July, 1911.

WITH reference to previous correspondence respecting commercial relations between Canada and Japan, I have the honour to forward, herewith, a copy of an Order of His Majesty's Privy Council for Canada, dated the 13th July, upon which Earl Grey's telegram of the 15th instant* was based.

I have, &c.,

C. FITZPATRICK,

Deputy Governor-General.

Enclosure in No. 327.

AT THE GOVERNMENT HOUSE AT OTTAWA, Thursday, the 13th day of July, 1911.

(P. C. 1568.)

PRESENT:

His Excellency in Council.

Whereas Section 3 of the Act passed on the 19th day of May, 1911, entitled "An Act respecting Duties of Customs on Importations from Japan," provides as follows:—

"This Act shall not be brought into force unless and until the Governor in Council is satisfied that no other or higher duties are or will be imposed, and that no prohibitions are or will be maintained or imposed, so long as this Act remains in operation, on the importation into the Dominions and Possessions of His Majesty the Emperor of Japan of any article the produce or manufacture of Canada, from whatever place arriving, than are imposed, or maintained or imposed, respectively, on the like article produced or manufactured in any foreign country on its importation into the said Dominions and Possessions; but nothing in this Section shall be applicable to the sanitary or other prohibitions occasioned by the necessity of protecting the safety of persons, or of cattle, or of plants useful to agriculture.

"2. This Act shall come into force upon such date as is fixed by Order in Council published in 'The Canada Gazette,' and shall remain in force for a period not exceeding two years from the seventeenth day of July, One thousand nine hundred and eleven":

And whereas by cable message from the Colonial Office, of date the seventh day of July, 1911, to the Governor-General, advice is given, which has been communicated by His Excellency, that on the seventh day of July, 1911, by an exchange of notes between the Foreign Office and the Japanese Embassy in London, it was agreed on the part of the Imperial Japanese Government that that Government would accord the most-favoured-nation treatment to Canadian goods, as contemplated by said Act, during a period not exceeding two years from the 17th July, 1911, on the condition that Canada accorded like tariff treatment during the same period to Japanese goods:

Therefore His Excellency in Council, being satisfied that no other or higher duties will be imposed, and that no prohibitions will be maintained or imposed so long as the said Act remains in operation, on the importation into the dominions and possessions of His Majesty the Emperor of Japan of any article the produce or manufacture of Canada, from whatever place arriving, than are imposed or maintained or imposed, respectively, on the like article produced or manufactured in any foreign country on its importation into the said dominions and possessions, as contemplated by said Act, is pleased to Order that the said Act shall come into force on the seventeenth day of July, 1911.

F. K. BENNETTS,

Assistant Clerk of the Privy Council.

* 23236: not printed.

(c) SEPARATE VOTING OF THE DOMINIONS AT INTERNATIONAL CONFERENCES.

13995

No. 328.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 329.]

SIR,

Downing Street, 3 May, 1911.

I AM directed by Mr. Secretary Harcourt to transmit to you, to be laid before Secretary Sir Edward Grey, the accompanying copy of a letter* from the Board of Trade on the subject of the instructions to the British Delegates attending the Industrial Property Conference at Washington.

2. Mr. Harcourt concurs in the instructions which it is proposed by the Board of Trade to give to the British Delegates with regard to the addition of a protocol having reference to the separate adherence and withdrawal from the Convention of the British self-governing Dominions and Colonies, Protectorates, &c., but I am further to suggest that it would seem desirable to secure if possible that each of the great self-governing Dominions—Canada, the Commonwealth of Australia, New Zealand, and the Union of South Africa—should be entitled to be separately represented in the event of its adhering to the Convention, and should each have a vote, which, it is understood, none of them at present possess. As Sir Edward Grey will remember, these Dominions are permitted separate voting power in respect of the International Postal Convention and the Radio-Telegraphic Convention.

3. Mr. Harcourt will be glad to learn whether Sir Edward Grey concurs in this view.

I am, &c.,
C. P. LUCAS.

15387

No. 329.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 12 May, 1911.)

SIR,

Foreign Office, May 11, 1911.

WITH reference to your letter of the 3rd instant (No. 13995/1911),† on the subject of the forthcoming Industrial Property Conference at Washington, I am directed by Secretary Sir E. Grey to say that he concurs in the view expressed by Mr. Secretary Harcourt in paragraph 2 with regard to the desirability of securing separate representation for the self-governing Dominions at future Conferences relating to industrial property.

I am accordingly to transmit, herewith, copy of the instructions on this subject which were sent on the 5th instant to the British Delegates to the Conference.

I am, &c.,
W. LANGLEY

Enclosure in No. 329.

(No. 3.)

GENTLEMEN,

Foreign Office, May 5th, 1911.

IN continuation of the amended instructions contained in my despatch, No. 2, of to-day's date, I have to inform you that His Majesty's Government consider it desirable to secure if possible that each of the self-governing Dominions should be entitled to be separately represented if it adheres to the Convention, and should have a vote, which, it is understood, none at present possesses.

You should, therefore, endeavour to secure this at the proper time.

I have, &c.,
E. GREY.

The British Delegates
to Industrial Property Conference,
u.f.s.

A. Mitchell Innes, Esq.,
British Embassy,
Washington.

* 13995 : not printed.

† No. 328.

29614

No. 330.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 768.)

(New Zealand. No. 327.)

(Australia. No. 411.)

(Newfoundland. No. 221.)

(Union of South Africa. No. 513.)

[MY LORD] [SIR],

Downing Street, 15 September, 1911.

I HAVE the honour to transmit to [Your Excellency] [you], for the information of your Ministers, the accompanying copies of the Treaty of Arbitration* with the United States of America signed at Washington on 3rd August. The treaty has not yet been ratified.

2. Your Ministers will observe that His Majesty's Government have reserved the right, before concluding a special agreement in any matter affecting the interests of a self-governing Dominion of the British Empire, to obtain the concurrence therein of the Government of that Dominion.

I have, &c.,
L. HARCOURT.

39121

No. 331.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

[Copy to Board of Trade, 20 February, 1912. L.F.]

(Canada. No. 116.)

(New Zealand. No. 55.)

(Australia. No. 72.)

(Newfoundland. No. 31.)

(Union of South Africa. No. 77.)

[SIR],

[MY LORD],

Downing Street, 15th February, 1912.

WITH reference to

[Lord Grey's despatch, No. 271, of the 5th of May, 1911,†]

[Lord Dudley's despatch, No. 80, of the 11th of May, 1911,‡]

[my despatch, No. 152, of the 26th of April, 1911,§]

[my despatch, No. 94, of the 26th of April, 1911,§]

[my despatch, No. 190, of the 26th of April, 1911,§]

I have the honour to transmit to [Your Royal Highness] [Your Excellency] [you], to be laid before your Ministers, the accompanying copies of a Parliamentary Paper [Cd. 5842] containing papers and correspondence relative to the Conference held at Washington for the revision of the International Convention for the Protection of Industrial Property and the arrangement for the prevention of false indications of origin on goods.

2. I have to request that you will invite the attention of your Ministers to the provisions of Article XVI. (bis) of the Convention, which is printed on page 111, and to the provisions of Article V. of the Arrangement which is printed on page 114, and inform me whether it is their desire that His Majesty's Government should notify accession to either of these agreements on behalf of [Canada] [the Commonwealth of Australia] [the Union of South Africa] [New Zealand] [Newfoundland].

3. I have at the same time to invite the attention of your Ministers to the declaration (page 123) made by the British delegates in connexion with Article XVI. (bis) of the Convention, and to the remarks made with regard to it by the British delegates in their Report on page 100. Should any of the self-governing Dominions in whose case accession may be notified desire to be represented separately at future Conferences, His Majesty's Government will endeavour to arrange for the acceptance of the proposal by the foreign Governments which are signatories to the Convention.

I have, &c.,
L. HARCOURT.

* [Cd. 5805], August, 1911.

† 20025 : not printed.

‡ 16309 : not printed.

§ 12859 : not printed.

5392

No. 332.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

[Answered by Nos. 333 and 334.]

(Canada. No. 157.)
(Australia. No. 109.)
(Union of South Africa. No. 105.)

(New Zealand. No. 69.)
(Newfoundland. No. 39.)

SIR,
MY LORD,

Downing Street, 6 March, 1912.

I HAVE the honour to transmit to [Your Royal Highness], [Your Excellency], [you], for the consideration of your Ministers, the accompanying copies of a Convention* for the gradual suppression of the abuse of opium and of morphine, cocaine, and similar drugs, which was signed at the Hague on the 23rd of January, together with copies of the Protocole de Clôture.

2. Your Ministers will observe that the Convention was signed by the British delegates subject to the reservation that if it was ratified by His Majesty's Government the Articles of the Convention would apply to British India, Ceylon, Straits Settlements, Hong Kong, and Weihaiwei, but that His Majesty's Government reserved the right to sign or to denounce the Convention separately for each Dominion, Colony, Dependency, or Protectorate of His Majesty other than those specified.

3. His Majesty's Government are very anxious that the Convention should apply to all His Majesty's dominions, since any abstention might imperil the results which are aimed at. I trust, therefore, that your Ministers will find themselves able to recommend that the Convention should be signed on behalf of your Government, and that I may be informed accordingly at an early date.

4. In that event I should be glad if consideration could be given to the question of what steps it will be necessary to take to give effect to the policy laid down in the Convention.

[5. To Australia only: Your Ministers will no doubt make any necessary communications to the State Governments.]

I have, &c.,
L. HARCOURT.

12436

No. 333.

NEWFOUNDLAND.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received April 23, 1912.)

[Copy to Foreign Office, April 30, 1912. L.F.]

(No. 22.)

SIR,

Government House, St. John's, 3rd April, 1912.

REFERRING to your despatch, No. 39, of the 6th of March,† in relation to the International Opium Convention, I have the honour to state that my Ministers desire that the Convention shall be signed on behalf of this Government.

The papers have been referred to the Minister of Justice so that he may indicate what steps are necessary in order to give effect to the policy laid down in the Convention.

I have, &c.,
RALPH WILLIAMS.

* [Cd. 6038].

† No. 332.

14120

No. 334.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received May 9, 1912.)

(No. 257.)

SIR,

Government House, Ottawa, 27 April, 1912.

I HAVE the honour to forward, herewith, for your information, copy of an approved Minute of the Privy Council for Canada, on the subject of the adherence of Canada to a Convention for the suppression of the abuse of opium, morphine, cocaine, and similar drugs.

Reference to previous despatch: Colonial Office, No. 157, 6th March, 1912.*

I have, &c.,

ARTHUR.

Enclosure in No. 334.

CERTIFIED COPY OF A REPORT OF THE COMMITTEE OF THE PRIVY COUNCIL, APPROVED BY HIS ROYAL HIGHNESS THE GOVERNOR-GENERAL ON THE 25TH APRIL, 1912.

(P.C. 1064.)

The Committee of the Privy Council have had before them a report, dated 17th April, 1912, from the Secretary of State for External Affairs, to whom was referred a despatch, dated 6th March, 1912, from the Right Honourable the Principal Secretary of State for the Colonies, forwarding copies of a Convention for the gradual suppression of the abuse of opium and of morphine, cocaine, and similar drugs, which was signed at the Hague on the 23rd of January, 1912.

The Minister recommends, with the concurrence of the Minister of Labour, that this Convention be adhered to by the Government of Canada.

The Minister submits copies of the Act passed by the Parliament of Canada on the 19th May, 1911, intitled "An Act to prohibit the improper use of Opium and other Drugs."†

The Minister observes that, in the opinion of the Minister of Labour, this Statute authorises the framing of regulations which would be sufficient to enable the Dominion Government to conform fully to the Convention. He would be glad to learn if the Statute in any respect falls short of this purpose.

The Committee, on the recommendation of the Secretary of State for External Affairs, advise that Your Royal Highness may be pleased to forward a copy hereof, together with the copies of the Statute in question, to the Right Honourable the Principal Secretary of State for the Colonies for the information of His Majesty's Government.

All which is respectfully submitted for approval.

RODOLPHE BOUDREAU,

Clerk of the Privy Council.

14121

No. 335.

COLONIAL OFFICE TO FOREIGN OFFICE.

[Copy to General Post Office and India Office, 25 May, 1912. L.F.]

[Answered by 16610: not printed.]

SIR,

Downing Street, 25 May, 1912.

I AM directed by Mr. Secretary Harcourt to request you to inform Secretary Sir Edward Grey that he has had under his consideration the question of the mode of accrediting the representatives of the self-governing Dominions at the International Radio-telegraph Conference which is to be held in London and opens on 4th June next.

2. As Sir Edward Grey is aware, it is the intention of His Majesty's Government, in accordance with Article 12 of the Convention, to ask the Conference to grant votes to the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, and also to the Empire of India.

* No. 332.

† Not reprinted.

3. It appears clear from Article 11 of the Convention that all the British representatives must be accredited as Plenipotentiaries, and Mr. Harcourt assumes, therefore, that if votes are granted to the five Governments mentioned, full powers should be issued separately to the representatives of each Government appointing them to represent that Government and empowering them to vote, &c., on behalf of that Government.

4. Mr. Harcourt is aware that on the occasion of the Postal Union Congress at Rome in April, 1906, a different procedure was issued, and powers to act were given to the representatives of the self-governing Dominions by the Secretary of State for the Colonies in the form of which a copy is enclosed.* On that occasion a similar document was given by the Postmaster-General to the representatives of His Majesty's Government, but it appears clear from the terms of the Convention that the same procedure could not be adopted in this case.

5. Mr. Harcourt is not aware of any precedent for the grant of separate full powers to the representatives of His Majesty's Government and the representatives of the self-governing Dominions, and he would have preferred to avoid a procedure which may appear to confer a quasi-international status on the self-governing Dominions, but he does not see that it is possible to adopt any alternative procedure, and he will be glad to learn that Sir Edward Grey is prepared to concur in the proposal, which should, he presumes, be applied also to the Empire of India.

6. A copy of this letter has been forwarded to the General Post Office and to the India Office.

I am, &c.,
H. W. JUST.

17732

No. 336.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by 28982 in Dominions No. 45.]

SIR,

Downing Street, 28 June, 1912.

WITH reference to the letter from this Office of the 5th of June,† I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before Secretary Sir E. Grey, copies of correspondence‡ with the Governor-General of the Union of South Africa on the subject of the representation of the Union at the Radiotelegraphic Conference.

2. The full powers issued to the senior delegate for each of the self-governing Dominions have duly been forwarded to the delegates, but Mr. Harcourt desires to invite the attention of Sir E. Grey to the inconvenience which has been caused in this case by the wording of the Convention of 1906 and in particular of Article 12.

3. Under that Article each group of Colonies is to be considered as a country for the purpose of voting at the Conferences, and as under Article 11 a country must be represented by plenipotentiaries it was necessary, as stated in the 5th paragraph of the letter from this Office of the 25th of May,§ that full powers should be issued to the delegates of those self-governing Dominions for which votes have now been obtained. Different parts of the Empire will, therefore, appear at the Conference as separate countries whose delegates, though all holding full powers from His Majesty, may vote against each other. This seems to Mr. Harcourt undesirable, and had the terms of the Convention permitted he would have preferred, as far as the representatives of the self-governing Dominions were concerned, to follow the model of the procedure adopted at the Postal Conference of Rome of 1906, when no full powers were issued. He would, therefore, suggest that care should be taken, in any future convention under which separate voting power and representation are to be obtained for the self-governing Dominions, to adopt a procedure which renders the grant of full powers unnecessary, and he would be glad if Sir E. Grey would consider whether, if any opportunity for revision arises, it would be possible to secure an alteration in Article 12 of the Radiotelegraphic Convention.

I am, &c.,
H. W. JUST.

* Not printed.

† 17211: not printed.

‡ 17732: not printed.

§ No. 335.

18.

(RESOLUTION XX.): ROYAL COMMISSION AS TO NATURAL RESOURCES
AND IMPROVEMENT OF TRADE OF THE EMPIRE.

23509

No. 337.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND
GOVERNORS.

[Answered by Nos. 338, 343, and 353.]

(Canada. No. 616.)	(New Zealand. No. 254.)
(Australia. No. 319.)	(Newfoundland. No. 170.)
(Union of South Africa. No. 350.)	

[MY LORD], [SIR], Downing Street, 27 July, 1911.

I HAVE the honour to transmit to [Your Excellency] [you], to be laid before your Ministers, copy of a Resolution unanimously accepted on the 16th of June by the Imperial Conference for the appointment of a Royal Commission as to the natural resources and improvement of the trade of the Empire.

2. His Majesty's Government propose, as at present advised, to adopt the actual terms of the Resolution as the terms of reference for the Royal Commission, which will be constituted as soon as they have ascertained the recommendations of the Governments of the several Dominions with regard to its composition.

3. The Conference agreed that, in view of the great importance of the subject, the services of the ablest and most representative men ought to be secured for the investigation committed to the Commission, but no definite decision was arrived at as to the number of members of which it would be most advantageously composed.

4. His Majesty's Government are inclined to the opinion that it would be convenient that the number should not exceed ten or twelve members, and that each Dominion should have one representative upon the Commission.

In the selection of representatives it will, of course, have to be borne in mind that it must be expected that the work of the Commission will occupy a considerable period and will involve a series of protracted visits to the various Dominions.

5. I shall be glad to learn whom your Government propose to nominate as the representative or representatives of [the Dominion] [the Commonwealth] [the Union] [Newfoundland] on the Commission, and at what date it would be convenient that the Commission should commence its labours.

6. Your Ministers will probably agree that it will be desirable that the Commission should hold, at as early a date as possible after their appointment, a preliminary meeting at which the question of procedure can be discussed and settled.

I have, &c.,
L. HARCOURT.

Enclosure in No. 337.

XX. ROYAL COMMISSION AS TO NATURAL RESOURCES AND IMPROVEMENT OF TRADE
OF THE EMPIRE.

That His Majesty should be approached with a view to the appointment of a Royal Commission representing the United Kingdom, Canada, Australia, New Zealand, South Africa, and Newfoundland, with a view of investigating and reporting upon the natural resources of each part of the Empire represented by this Conference, the development attained and attainable, and the facilities for production, manufacture, and distribution; the trade of each part with the others and with the outside world, the food and raw material requirements of each and the sources thereof available, to what extent, if any, the trade between each of the different parts has been effected by existing legislation in each, either beneficially or otherwise, and by what methods consistent with the existing fiscal policy of each part the trade of each part with the others may be improved and extended.

28402

No. 338.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.30 p.m., 28th August, 1911.)

TELEGRAM.

[Answered by No. 340.]

Your despatch of 27th July, No. 616,* Royal Commission to investigate trade and natural resources of the Empire. Ministers recommend Peter Charles Larkin as Canadian representative.—GREY.

30493

No. 339.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 18 September, 1911.)

[Answered by No. 340.]

(No. 477.)

SIR, Government House, Ottawa, 31 August, 1911.

WITH reference to your despatch, No. 616, of the 27th of July last, and to my telegram of the 28th August,† on the subject of the constitution of the Royal Commission to investigate and report upon the trade and natural resources of the Empire, I have the honour to transmit herewith, for your information, a copy of a letter from His Majesty's Canadian Secretary of State for External Affairs upon which my telegram was based.

I have, &c.,
GREY.

Enclosure in No. 339.

TO HIS EXCELLENCY THE GOVERNOR-GENERAL,

THE undersigned, to whom was referred a despatch to Your Excellency from the Secretary of State for the Colonies, dated the 27th July, 1911, on the subject of the constitution of the Royal Commission which, in accordance with a resolution adopted by the recent Imperial Conference, it is proposed by His Majesty's Government to appoint to investigate and report upon the trade and natural resources of the Empire, in which enquiry was made as to whom the Canadian Government proposed to nominate as Canada's representative on such Commission, has the honour to submit that Your Excellency's Ministers recommend that the name of Peter Charles Larkin, Esquire, of the City of Toronto, be suggested to His Majesty's Government as such Canadian representative.

All of which is respectfully submitted.

CHAS. MURPHY,

Ottawa, 21st August, 1911.

Secretary of State for External Affairs.

30493

No. 340.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 799.)

MY LORD,

Downing Street, 27 September, 1911.

I HAVE the honour to acknowledge the receipt of your Excellency's telegram of the 28th August and of your despatch, No. 477, of the 31st August,‡ on the subject of the representation of Canada on the Royal Commission to investigate and report upon the natural resources of the Empire.

2. His Majesty's Government accept the recommendation of your Ministers

* No. 337.

† Nos. 337 and 338.

‡ Nos. 338 and 339.

of Mr. Peter Charles Larkin for appointment as a member of the Royal Commission, and have communicated the nomination to the other self-governing Dominions.

3. I shall no doubt learn in due course of the views of your Ministers on the points raised in paragraphs 5 and 6 of my despatch, No. 616, of the 27th of July.*

I have, &c.,

L. HARCOURT.

30493

No. 341.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

[Answered by Nos. 343 and 353.]

(Australia. No. 423.)

(New Zealand. No. 336.)

(Union of South Africa. No. 531.)

(Newfoundland. No. 227.)

[MY LORD] [SIR,]

Downing Street, 27 September, 1911.

WITH reference to my despatch, No. [319] [254] [350] [170], of the 27th July,* I have the honour to acquaint [your Excellency] [you], for the information of your Ministers, that the Government of the Dominion of Canada have nominated as the representative of Canada on the Royal Commission to investigate the natural resources and the improvement of trade of the Empire Peter Charles Larkin, Esquire, of the City of Toronto.

2. I shall no doubt receive in due course the recommendation of your Government with regard to the questions raised in paragraphs 4-6 of my despatch under reference.

I have, &c.,

L. HARCOURT.

30493

No. 342.

COLONIAL OFFICE to BOARD OF TRADE.

SIR,

Downing Street, 30 September, 1911.

I AM directed by Mr. Secretary Harcourt to transmit to you, for the information of the Board of Trade, the accompanying copy of correspondence† on the subject of the appointment, in accordance with Resolution XX. of the Imperial Conference, of a Royal Commission to investigate and report upon the trade and natural resources of the Empire.

I am, &c.,

C. P. LUCAS.

SCHEDULE OF ENCLOSURES.

- (1) Secretary of State to Dominions. 27th July.
- (2) Governor-General, Canada. Telegram, 28th August.
- (3) Governor-General, Canada. No. 477, 31st August.
- (4) Secretary of State to Dominions. 27th September.
- (5) Secretary of State to Governor-General, Canada. 27th September, No. 799.

38046

No. 343.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received November 27, 1911.)

[Answered by No. 344.]

(No. 102.)

SIR,

Government House, St. John's, 14th November, 1911.

REFERRING to your despatches, No. 170 of the 27th July, and No. 227 of the 27th September, 1911,‡ on the subject of the appointment of a Royal Commission

* No. 337.

† Nos. 337 to 341.

‡ Nos. 337 and 341.

as to the natural resources and improvement of the trade of the Empire, I have the honour to transmit herewith a copy of a minute from the Prime Minister on this subject.

I have, &c.,
RALPH WILLIAMS.

Enclosure in No. 343.

Prime Minister's Office, St. John's, Newfoundland,
13th November, 1911.
HIS EXCELLENCY THE GOVERNOR,

FOR the purpose of reference I beg to return you herewith despatch, No. 170 from the Secretary of State for the Colonies, with attached copy of resolution of the Imperial Conference, as to the appointment of a Royal Commission on Natural Resources, and also copy of despatch, No. 227 of the 27th September.

In making the nomination of a representative for Newfoundland on the Commission, as called for in the penultimate paragraph of the Secretary of State's despatch of the 27th July, it would be of considerable assistance and value to Ministers if they could be made aware of or informed as to the following points:—

- (1) The date when the Commission is likely to hold its preliminary meeting, referred to in paragraph 6 of the Secretary of State's despatch.
- (2) As to whether it is at present known if the Commission will first visit Australia, South Africa, and New Zealand, or if the first visitation will be made to this side.
- (3) Whether it is probable that Australia, South Africa, and New Zealand will be visited on the same voyage, that is, without return being made to England; and
- (4) If it can be approximately stated about what time the Commission will likely occupy in its visit to Australia, South Africa, and New Zealand.

Owing to the length of time which the work is likely to occupy, the proposed appointee of the Newfoundland Government would like to have some idea with respect to the length of its duration.

The time that would suit him best would be from January to May. It is quite possible that the Commission may decide to divide the work into two branches, half each year, taking Canada and Newfoundland one year, and Australia, South Africa, and New Zealand the next year, or *vice versa*.

Ministers would be grateful if Your Excellency would obtain from the Secretary of State information on the points above-mentioned.

E. P. MORRIS,
Prime Minister.

38046

No. 344.

NEWFOUNDLAND.

THE SECRETARY OF STATE to THE GOVERNOR.

[Answered by No. 350.]

(Confidential.)

SIR,

Downing Street, 11 December, 1911.

I HAVE the honour to acknowledge the receipt of your despatch, No. 102 of the 14th of November,* on the subject of the appointment of a Royal Commission as to the natural resources and improvement of the trade of the Empire.

2. In reply, I have to request that you will inform your Ministers that the exact arrangements for the movements of the Commission must, of course, depend on the course which proves most convenient to the Members of the Commission as a whole, but that it appears to be probable that the travels of the Commission will take the form of three separate visits, not continuous, one of three months to Canada and Newfoundland, one of three months to South Africa, and one of six months to Australia and New Zealand, and that the work of the Commission is

* No. 343.

likely to be spread over three years, but, of course, not continuously. The order in which these visits will be made cannot yet be anticipated.

I have, &c.,
L. HARCOURT.

39986

No. 345.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.45 a.m., 13th December, 1911.)

TELEGRAM.

[Answered by No. 346.]

The attention of my Ministers has been directed to the reply of Prime Minister on 29th November last to Mr. Page Croft with regard to the representation of Canada on the Royal Commission to investigate and report on the natural resources of the Empire. They desire to point out that no Order of Governor in Council embodying any such recommendation has been passed and that the subject has not been called to their attention previously since assuming office. They express the earnest hope that no action will be taken in so important a matter without giving them opportunity of expressing their views, and they regard it as of the gravest importance that Canada should be represented adequately upon a Commission charged with the duty of inquiring into matters of the highest Imperial concern.—ARTHUR.

39986

No. 346.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 2.30 p.m., 14th December, 1911.)

TELEGRAM.

[Answered by No. 347.]

With reference to your telegram of 12th December,* Prime Minister, in replying to Mr. Page Croft said, that it was proposed to have one member from each Dominion and six from the United Kingdom. These numbers were agreed upon in private conference between Mr. Asquith, the Dominion representatives, and myself, although there is no record of it in the proceedings of the Conference.

Selection of person named in your predecessor's despatch, No. 477 of the 31st August,† was communicated to other Dominions, but no appointment will be made until composition of Commission is complete. Am I to understand that Ministers do not concur in selection of Mr. Larkin and desire to make other proposals?—HARCOURT.

40667

No. 347.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11.22 p.m., 19th December, 1911.)

TELEGRAM.

[Answered by No. 348.]

Your telegram 14th December.‡ My Ministers not prepared to concur in selection of Mr. Larkin and they desire to make other proposals. They are anxious to know what time may be available for this purpose, as they regard selection as of great importance and desire reasonable time for consideration.—ARTHUR.

* No. 345.

† No. 339.

‡ No. 346.

40667

No. 348.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 4.40 p.m., 23rd December, 1911.)

TELEGRAM.

[Answered by Nos. 349 and 372.]

Your telegram 19th December.* I should hope that your Ministers will be able to make selection of Commissioner by end of February.—HARCOURT.

41624

No. 349.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.50 a.m., 30th December, 1911.)

TELEGRAM.

[Answered by No. 359.]

Your telegram of 23rd December.† My Ministers will make selection of Commissioner before the end of February as suggested (by you).—ARTHUR.

474

No. 350.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 9 p.m., 4th January, 1912.)

TELEGRAM.

[Answered by No. 352.]

Your despatch of 11th December.‡ About what date will it be necessary for representative(s) to leave for England, and if it will be essential that representative(s) should attend first meeting in London, assuming that first tour will be to Canada?—WILLIAMS.

40667

No. 351.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL OF AUSTRALIA and THE UNION OF SOUTH AFRICA and THE GOVERNORS OF NEW ZEALAND and NEWFOUNDLAND.

(Sent 1 p.m., January 4, 1912.)

TELEGRAM.

[Answered by Nos. 370, 363, and 571.]

My despatch 27th September.§ Government of Canada have decided to substitute other representative for Larkin. I should be glad if you could telegraph name of representative of your Government as soon as possible—not later than the end of February.—HARCOURT.

* No. 347.

† No. 348.

‡ No. 344.

§ No. 341.

474

No. 352.

NEWFOUNDLAND.

THE SECRETARY OF STATE to THE GOVERNOR.

(Sent 2.5 p.m., January 11, 1912.)

TELEGRAM.

Your telegram 4th January.* It is hoped that Commission will assemble in the United Kingdom in the spring, and as it will probably desire to settle procedure at the outset it will be important that all members from the Dominions should then be present.—HARCOURT.

1356

No. 353.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 13 January, 1912.)

(No. 939.)

SIR,

Governor-General's Office, Pretoria, 20 December, 1911.

I HAVE the honour to transmit to you herewith, with reference to your despatch, No. 531, of 27th September,† a copy of a minute from Ministers, dated 18th December, on the subject of the appointment of a Royal Commission as to the Resources and Trade of the Empire.

I have, &c.,
GLADSTONE,
Governor-General.

Enclosure in No. 353.

(Minute No. 1465.)

18 December, 1911.

With further reference to His Excellency the Governor-General's minute, No. 62/60, of the 19th August, Ministers have the honour to inform His Excellency that they concur in the suggestions contained in paragraphs 4 and 6 of the Right Honourable the Secretary of State's despatch, No. 350, of the 27th July, on the subject of the appointment of a Royal Commission as to the Resources and Trade of the Empire.

With regard to paragraph 5, Ministers regret that they are not yet prepared to nominate a representative of the Union on the Commission. They consider that April or May next would be a suitable and convenient time for the Commission to commence its labours.

D. P. GRAAFF.

474

No. 354.

COLONIAL OFFICE to BOARD OF TRADE.

[Answered by No. 381.]

SIR,

Downing Street, 25 January, 1912.

I AM directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Board of Trade, the enclosed copy of Resolution XX.‡ of the Imperial Conference of 1911, calling for the appointment of a Royal Commission respecting the resources and trade of the Empire.

2. As the Board are aware, the selection of the United Kingdom members of the Commission is not yet complete, and no Dominion representative has yet been nominated. Mr. Harcourt, however, hopes that the selection of members of the Commission may be completed by the end of February, and that it will be assembled in this country in the spring.

* No. 350.

† No. 341.

‡ Enclosure in No. 337.

3. The Dominion Governments were informed in July last* that His Majesty's Government, as then advised, thought that the actual terms of the resolution should be adopted as the terms of reference to the Commission, but it appears to Mr. Harcourt, on further consideration of the matter, that a slight modification is necessary, because the Commission ought not, and was not intended, to take any evidence as to the resources of the United Kingdom, though it may properly investigate the food and raw material requirements in that case and also the question of legislation, other than fiscal legislation, in its bearing on trade and development. In view of this Mr. Harcourt considers that the terms of reference might be as shown in the accompanying draft,† which is being submitted to the Dominion Governments. The Commission must, of course, decide for itself how it will carry out its duties, but it may be well to state that the Government of Newfoundland has been informed,‡ in answer to an enquiry, that the work of the Commission is expected to occupy three years, and that it appears to be probable that three months will be set aside for visits to Canada and Newfoundland and to South Africa respectively and six months for a visit to Australia and New Zealand, such visits not necessarily to be continuous.

4. It appears to Mr. Harcourt that before the Commission assembles in this country for its preliminary meetings, the action to be taken by His Majesty's Government on behalf of the United Kingdom requires consideration, and he would be glad to have an expression of the views of the Board of Trade on the matter.

5. The terms of reference as drafted fall naturally into three divisions:—An enquiry and report (a) on the facts as to the natural resources and trade, the development attained and attainable, and the facilities for production, manufacture, and distribution in the self-governing Dominions, and the food and raw material requirements of those Dominions and the United Kingdom; (b) on the effects, beneficial or otherwise, of existing legislation on trade between those Dominions, and between them and the United Kingdom; and (c) on the methods, consistent with the existing fiscal policy of each part, by which such trade can be improved and extended.

6. As regards point (c), no present question arises. In respect of point (a), the only point affecting the United Kingdom is that of food and raw material requirements, and Mr. Harcourt presumes that the Board of Trade will be prepared to bring up to date the statistics furnished to the Royal Commission on Supply of Food and Raw Material in Time of War [Cd. 2643], and to advise as to witnesses.

7. As regards point (b), the Board of Trade will, doubtless, consider what subjects in connection with Imperial and Dominion legislation affecting their operations should be brought before the Commission, and, in this connection, I am to transmit copies of correspondence§ respecting a British Empire Trade Mark. Mr. Harcourt would also propose to request consideration of the matter by the Home Office, the General Post Office, the Local Government Board, the Board of Agriculture, and, possibly, the Foreign Office. It will be remembered that by Resolution XXIV. of the Conference the question of uniformity of alien immigration legislation is referred to the Commission. In the discussion at the Conference reference was made by Sir Wilfrid Laurier to the legislation as to the importation of Canadian cattle into the United Kingdom. These are both questions of existing legislation, as to which the Home and Foreign Offices and the Board of Agriculture must be consulted. Mr. Fisher, on behalf of Australia, also raised the question of shipping arrangements and means of transport, and was informed by the President that enquiry into them would be within the powers of the Commission, and the so-called "all red route" was mentioned as a matter suitable for the Commission, though Sir J. Ward, on behalf of New Zealand, declined to accept a resolution that reference of that question to the Commission should be formally made by the Conference. The Board of Trade and the General Post Office are concerned in these latter questions and will, no doubt, jointly consider the action to be taken by His Majesty's Government as regards submission of them to the Commission.

8. Mr. Harcourt will be obliged by an early expression of the views of the Board of Trade on the points above mentioned.

I am, &c.,

H. W. JUST.

* No. 337. † See No. 357. ‡ No. 344. § 543 and draft: not printed here.
| See enclosure in No. 404.

3112

No. 355.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 12.45 p.m., 30th January, 1912.)

TELEGRAM.

[Answered by No. 358.]

(Confidential.)

(Paraphrase.)

Prime Minister wishes to know how the Imperial Trade Commission expenses are to be defrayed; what will be basis of contribution, if by proportionate contribution from each Dominion.—ISLINGTON.

3112

No. 356.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL OF CANADA, AUSTRALIA, AND THE UNION OF SOUTH AFRICA, AND THE GOVERNOR OF NEWFOUNDLAND.

(Sent 4.15 p.m., 5th February, 1912.)

TELEGRAM.

[Answered by Nos. 362, 363, 364, 367, and 374.]

Government of New Zealand has raised question of apportionment of expenses of Royal Commission to be appointed under Resolution XX. of Imperial Conference. My understanding was that each unit represented at Conference should pay one-sixth of the general expenses of the Commission apart from any salary, subsistence allowance, and travelling expenses which each unit would pay in respect of its own member or members. His Majesty's Government propose to pay United Kingdom members no salary, but four guineas per diem subsistence allowance when abroad together with expenses of travelling.

Similar telegram being sent to other members of Conference.—HARCOURT.

474

No. 357.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL OF AUSTRALIA and THE UNION OF SOUTH AFRICA and THE GOVERNOR OF NEW ZEALAND.

(Sent 3.30 p.m., 5th February, 1912.)

TELEGRAM.

[Answered by Nos. 361, 364, and 370.]

My despatch, No. [319] [254] [350], 27th July.* His Majesty's Government have had under consideration terms of reference to Commission and consider that wording of Resolution XX. of Conference requires some modification for that purpose, as it was not intended that Commission should investigate natural resources of United Kingdom though it may properly investigate food and raw material requirements in that case and question of legislation other than fiscal in its bearing on trade and development. His Majesty's Government consider that terms of reference might be as follows:—

"To enquire into and report upon the natural resources of the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, and the Colony of Newfoundland; and, further,

* No. 337.

to report upon the development of such resources, whether attained or attainable; upon the facilities which exist or may be created for the production, manufacture, and distribution of all articles of commerce in those parts of the Empire; upon the requirements of each such part and of the United Kingdom in the matter of food and raw materials, and the available sources of such; upon the trade of each such part of the Empire with the other parts, with the United Kingdom, and with the rest of the world; upon the extent, if any, to which the mutual trade of the several parts of the Empire has been or is being affected beneficially or otherwise by the laws now in force, other than fiscal laws, and, generally, to suggest any methods, consistent always with the existing fiscal policy of each part of the Empire, by which the trade of each part with the others and with the United Kingdom might be improved and extended."

In view of my telegram of the 4th January,* shall be glad of reply by telegram.
—HARCOURT.

3112

No. 358.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR.

(Sent 4.15 p.m., 5th February, 1912.)

TELEGRAM.

[Answered by No. 371.]

Your telegram 30th January.† My understanding was that each unit represented should pay one-sixth of the general expenses of the Commission apart from any salary, subsistence, and travelling expenses which each unit would pay in respect of its own member or members. His Majesty's Government propose to pay United Kingdom members no salary, but four guineas per diem subsistence allowance when abroad together with expenses of travelling.

Similar telegram being sent to all members of Conference.—HARCOURT.

474

No. 359.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL OF CANADA
and THE GOVERNOR OF NEWFOUNDLAND.

[Answered by Nos. 369, 384, and 377.]

(Canada. No. 89.)

(Newfoundland. No. 25.)

SIR,

Downing Street, 6 February, 1912.

WITH reference to my despatch [No. 616] [No. 170] of the 27th of July,‡ I have the honour to acquaint [Your Royal Highness] [you], for the information of your Ministers, that His Majesty's Government have under consideration the terms of reference to the Royal Commission to be appointed under the Twentieth Resolution of the Imperial Conference of 1911.

2. His Majesty's Government consider that for the purposes of the terms of reference the wording of the resolution requires some modification, since the Commission was not intended to take any evidence as to the natural resources of the United Kingdom, though it may properly investigate food and raw material requirements in that case and also the question of legislation, other than fiscal legislation, in its bearing on trade and development.

3. I enclose a draft of the terms of reference,§ for consideration by your Ministers, and in view of [your telegram of the 29th of December||] [the request made in my telegram of the 4th of January*], I shall be glad to receive a reply to this despatch by telegram.

I have, &c.,

L. HARCOURT.

* No. 351.

† No. 355.

‡ No. 337.

§ See No. 357.

|| No. 349.

3112

No. 360.

COLONIAL OFFICE to TREASURY.

[Answered by No. 366.]

SIR,

Downing Street, 8 February, 1912.

I AM directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Lords Commissioners of the Treasury, a copy of the twentieth resolution* of the Imperial Conference of 1911 in favour of the appointment of a Royal Commission to investigate the natural resources and trade of the Empire. I am also to transmit a draft of the terms of reference† of the Commission, which is being forwarded for the consideration of the Governments represented at the Conference, and which modifies the resolution of the Conference with a view to making clearer the precise scope of the operations of the Commission.

2. It is proposed that the Commission should consist of eleven members, the Chairman and five others from the United Kingdom, and one nominated by each of the other five Governments represented at the Conference. The principle of sharing the expenses of the Commission was accepted by the Conference, and the telegram‡ of which copies are enclosed show what the Secretary of State understood to be the arrangement in contemplation, viz., that each Government should pay the remuneration (if any), subsistence allowance, and travelling expenses of its member or members, and that the general expenses of the Commission should be divided equally between the Governments represented at the Conference.

3. Negotiations have been proceeding for the appointment of the United Kingdom members on the basis that they shall receive no remuneration but a subsistence allowance at the rate of four guineas per diem when away from home, together with travelling expenses. It is estimated that the work of the Commission may continue for three years, and that a period of six months and two periods of three months will be required for visits to Australia-New Zealand, South Africa, and Canada-Newfoundland, such visits not to be continuous.

4. Till the Commission has been appointed and has begun its work, it is impossible to say what its general expenses will be. But provision will, in any case, be required for salary and allowances for a Secretary and staff on the usual basis for Royal Commissions travelling overseas, for actual travelling expenses of the staff, for accommodation, for printing, and for witnesses' expenses. A further communication will be addressed to their Lordships on this question and as to the detailed arrangements for accounting which should be adopted. It appears, however, to Mr. Harcourt that the general expenses cannot but be considerable, and he is disposed to think that the arrangement for their appointment above stated should be revised, as being likely to press somewhat hardly, for example, on the Colony of Newfoundland. He would accordingly suggest for the favourable consideration of their Lordships that the United Kingdom should defray the whole of the expense of providing office accommodation for the Commission and secretarial staff in this country, the remainder of the expenses being divided on the basis of one-sixth above stated.

I have, &c.,

JOHN ANDERSON.

4309

No. 361.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 9.30 a.m., 11th February, 1912.)

TELEGRAM.

[Answered by No. 365.]

Your telegram 5th February.§ Prime Minister would be glad to know probable duration of Royal Commission. Telegraph reply.—ISLINGTON.

* See Enclosure in No. 337.

† See No. 357.

‡ Nos. 355, 356, and 358.

§ No. 357.

4645

No. 362.
CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.30 p.m., 14th February, 1912.)

TELEGRAM.

[Answered by No. 393.]

Your telegram 5th February;* expenses of Royal Commission to investigate natural resources of the Empire. Government of Canada prepared to pay one-sixth of general expenses of Commission and the expenses of their own representatives.—ARTHUR.

4652

No. 363.
NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 7.15 p.m., 14th February, 1912.)

TELEGRAM.

Honourable Edgar Bowring has been nominated as representative of Newfoundland on Royal Commission on Natural Resources. He will pay his own expenses. Am writing in answer to your telegram of 5th February* in relation to apportionment of general expenses.—WILLIAMS.

4690

No. 364.
UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 4.29 p.m., 15 February, 1912.)

TELEGRAM.

[Answered by No. 393.]

15th February. Your telegram of 4th January,† Natural Resources and Improvement of Trade in Empire. My Ministers state that they will communicate before the end of this month name of Union's representative on Royal Commission. They agree in views expressed in [? your telegrams of] 5th February‡ as to terms of reference and general expenses of Commission.—GLADSTONE.

4309

No. 365.
NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR.

(Sent 2.25 p.m., 15th February, 1912.)

TELEGRAM.

Your telegram 11th February§. It is expected that Commission will last three years and that there will be one visit of six months and two of three months, the first to Australia and New Zealand, the others to Canada and Newfoundland and Union of South Africa, respectively. Visits are likely to be in different calendar years. Final decision must of course rest with Commission.—HARCOURT.

* No. 356.

† No. 351.

‡ Nos. 356 and 357.

§ No. 361.

5943

No. 366.

TREASURY to COLONIAL OFFICE.

(Received 26 February, 1912.)

[Answered by No. 382.]

SIR,

Treasury Chambers, 24th February, 1912.

I HAVE laid before the Lords Commissioners of His Majesty's Treasury your letter of the 8th instant (3112/1912),* and its enclosures, relative to the Royal Commission on the Resources and Trade of the Empire, and in reply I am to say that my Lords give their sanction to the action taken by the Secretary of State in negotiating with the United Kingdom members of the Commission on the basis of a subsistence allowance of four guineas a day (without remuneration) when away from home in addition to locomotion expenses.

As regards the apportionment of expenses between the Imperial Government and the other five Governments, my Lords concur generally in the proposals of the Secretary of State, on the understanding that the intention of the last paragraph of the letter under reply is that His Majesty's Government should defray the whole of the cost of office accommodation only, and not of secretarial staff, in this country, in addition to one-sixth of the remainder of the expenses (including secretarial staff, &c.).

I am, &c.,

ROBERT CHALMERS.

5966

No. 367.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 26 February, 1912.)

[Answered by No. 394.]

(No. 7.)

SIR,

Government House, St. John's, 14th February, 1912.

I HAVE the honour to inform you, as I have already done by telegraph,† that the Honourable Edgar Bowring has consented to represent Newfoundland on the Royal Commission on Natural Resources provided that he pays the entire expenses of himself and of any Secretary who may accompany him.

Mr. Bowring is the senior partner in Newfoundland of the firm of "Bowrings," of Liverpool and Newfoundland, and will be in all respects an excellent representative. He has this year given the sum of \$50,000 to St. John's for the creation of a public park.

With reference to the general expenses, and your telegram of the 5th instant,‡ in respect thereto, I enclose a copy of a Ministers' Minute on the subject.

I have, &c.,

RALPH WILLIAMS.

Enclosure in No. 367.

Prime Minister's Office, St. John's, Newfoundland,

HIS EXCELLENCY THE GOVERNOR,

13th February, 1912.

I HAVE the honour to acknowledge the receipt of your communication of the 6th February, enclosing copy of telegram from the Right Honourable the Secretary of State for the Colonies, relative to the Royal Commission appointed under the resolution of the Imperial Conference, intimating that the Government of New Zealand had raised the question of the apportionment of the expenses of the Commission.

I note the Secretary of State says his understanding was that each unit represented at Conference should pay one-sixth of the general expenses of the Commission,

* No. 360.

† No. 363.

‡ No. 356.

apart from any salary, subsistence allowance, and travelling expenses which each unit would pay in respect of its own member or members.

The Newfoundland representatives at the Conference had no such understanding. The matter was never discussed or referred to in any way. The records make this clear. At least it was not discussed when I was present, and I myself was not absent from any session of the Conference.

We have already appointed our representative, and the Commission or the Imperial Government will not be called upon to defray any of his expenses. Newfoundland is willing to pay a reasonable contribution to the general expenses, but Ministers think it ought not to be on the basis suggested by the Secretary of State.

Regard should be had to the very special advantages which must come from this Commission to the immense trade of Great Britain, Canada, Australia, New Zealand, and South Africa, and also to the population of these countries compared with Newfoundland, and Ministers think that a more reasonable arrangement would be on the basis of population.

In the meantime, however, before committing themselves to any principle, they should like to have some understanding as to the approximate cost of the Commission, which, of course, will include the expenses of Secretaries, printing, typewriting, &c.

E. P. MORRIS,
Prime Minister.

13th February, 1912.

6387

No. 368.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 5.20 p.m., 28th February, 1912.)

TELEGRAM.

[Answered by No. 378.]

28th February. My telegram of 15th February.* Ministers have decided to nominate Graaff, Minister of Posts and Telegraphs, as representative of Union on Royal Commission. They desire to know latest date on which (to) it will be necessary for him to leave South Africa. He is anxious to postpone departure until latest possible moment.—GLADSTONE.

6598

No. 369.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 11.30 p.m., 1st March, 1912.)

TELEGRAM.

[Answered by No. 373.]

Your despatch of 6th February, No. 89.† My Ministers state that they prefer inclusion of United Kingdom as under Resolution XX., Imperial Conference, 1911, and that the words: "other than fiscal," should be omitted from the terms of reference and that restrictions upon suggestion of Commission regarding methods for extension of trade be removed. Despatch‡ follows by mail.—ARTHUR.

* No. 364.

† No. 359.

‡ No. 384.

6601

No. 370.

AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 7.30 a.m., 2nd March, 1912.)

TELEGRAM.

[Answered by No. 398.]

Your telegram of 4th January.* Donald Campbell, LL.B., has been selected to represent Government of Commonwealth of Australia, Natural Resources Commission. Government concurs in terms of reference suggested by your telegram of 5th February.†—DENMAN.

6607

No. 371.

NEW ZEALAND.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 11.10 a.m., 2nd March, 1912.)

TELEGRAM.

[Answered by Nos. 376 and 388.]

Your telegram of 5th February.‡ Prime Minister will be obliged if you will agree to postponement of his reply as to name of New Zealand representative on Royal Commission for three weeks.—ISLINGTON.

6963

No. 372.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 6.45 p.m., 5th March, 1912.)

TELEGRAM.

[Answered by No. 398.]

My telegram of 29th December last.§ Royal Commission under Resolution XX. of Imperial Conference, 1911. Honourable George Eulas Foster, Minister of Trade and Commerce, is recommended as representative of Dominion. Despatch|| follows by mail.—ARTHUR.

6598

No. 373.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 7.20 p.m., 5th March, 1912.)

TELEGRAM.

[See No. 392.]

(Paraphrase.)

With reference to Your Royal Highness's telegram of the 1st March,¶ I will await the receipt of your despatch, but I consider it necessary to say at once that the XXth Resolution of the Imperial Conference was agreed to by the whole Conference,

* No. 351.

† No. 357.

‡ No. 358.

§ No. 348.

|| No. 384.

¶ No. 369.

and without the restriction contained in it could not have been assented to by His Majesty's Government. No alteration is now, therefore, possible of the limiting words, which are accepted by all the other Dominions. The Conference also understood that the enquiry should not extend to the resources of the United Kingdom. Such an enquiry would occupy the Commission for an indefinite period, and a limited enquiry into the requirements of the United Kingdom in the matter of food and raw materials appears to be sufficient, especially as the results of the census of production now proceeding will be available.—HARCOURT.

7235

No. 374.

AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.40 a.m., 8th March, 1912.)

TELEGRAM.

[Answered by No. 393.]

Your telegram of 5th February,* Natural Resources Conference. Government of Commonwealth of Australia agrees to one-sixth of the general expenses of Commission.—DENMAN.

7355

No. 375.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9 March, 1912.)

(No. 85.)

SIR, Governor-General's Office, Cape Town, 19 February, 1912.
I HAVE the honour to transmit to you herewith, with reference to my telegram of the 15th of February,† a copy of a minute from Ministers, dated 14th February, 1912, on the subject of the representation of the Union of South Africa on the Royal Commission on the Natural Resources and Improvement of Trade of the Empire.

I have, &c.,
GLADSTONE,
Governor-General.

Enclosure in No. 375.

(Minute No. 136.)

14 February, 1912.

Ministers have the honour to acknowledge the receipt of His Excellency the Governor-General's Minute, No. 62/90, of the 8th January, and to inform His Excellency that they will advise him before the end of this month of the name of the Union's representative on the Royal Commission on the Natural Resources and Improvement of Trade of the Empire.

With reference to His Excellency's Minutes 62/95 and 62/96, of the 7th instant, Ministers have the honour to inform His Excellency that they agree in the views expressed by the Right Honourable the Secretary of State for the Colonies in his telegrams of the 5th February as to the Terms of Reference and general expenses of the Commission.

LOUIS BOTHA.

* No. 356.

† No. 364.

6607

No. 376.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR.

(Sent 1.10 p.m., 11th March, 1912.)

TELEGRAM.

Your telegram 2nd March.* I agree to postponement selection of representative.—HARCOURT.

7685

No. 377.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 7.7 p.m., 12th March, 1912.)

TELEGRAM.

Your despatch, 6th February,† Royal Commission. Modifications suggested are satisfactory to my Ministers.—WILLIAMS.

6387

No. 378.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 3.25 p.m., 12th March, 1912.)

TELEGRAM.

Your telegram 28th February,‡ I do not anticipate that it will be possible for Commission to hold its first meeting before middle of May at earliest, but I will inform you definitely as soon as I am in a position to do so.—HARCOURT.

6387

No. 379.

COLONIAL OFFICE to BOARD OF TRADE.

[Answered by No. 381.]

SIR,

Downing Street, 13 March, 1912.

WITH reference to the letter from this Office of the 25th of January,§ I am directed by Mr. Secretary Harcourt to request that you will inform the Board of Trade that the following representatives have been nominated by the self-governing Dominions for appointment as Members of the Royal Commission to report on the resources and trade of the Empire:—

Dominion of Canada.—The Honourable George Eulas Foster, Minister of Trade and Commerce.

Commonwealth of Australia.—Donald Campbell, LL.B.

Union of South Africa.—The Honourable Sir David de Villiers Graaff, Bart., Minister of Posts and Telegraphs.

Newfoundland.—The Honourable Edgar Bowring.

It is anticipated that the appointment of the representative of New Zealand will be known in a few weeks.

2. Mr. Harcourt will be glad to have any observations which the Board of Trade may have to offer on the suggestions made in the letter from this Office under reference. He would in particular desire to be informed at an early date whether

* No. 371.

† No. 359.

‡ No. 368.

§ No. 354.

the Board concur in the addressing of enquiries to other Government Departments on the lines indicated in the 7th paragraph of that letter.

I am, &c.,
H. W. JUST.

7799

No. 380.

AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10 a.m., 14th March, 1912.)

TELEGRAM.

[Answered by No. 386.]

My telegram of 8th March,* Natural Resources Conference. Prime Minister informs me that June next will be convenient to Government of Commonwealth of Australia for the Commission to be commenced. Government will be glad to know names of delegates who will represent His Majesty's Government and the Dominions; also what arrangements are being made as to appointment of Chairman of Commission.—DENMAN.

7919

No. 381.

BOARD OF TRADE to COLONIAL OFFICE.

(Received 16 March, 1912.)

[Answered by No. 396.]

Board of Trade (Commercial Department), Gwydyr House,
Whitehall, London, S.W., 15th March, 1912.

SIR,

I AM directed by the Board of Trade to refer to your letter of the 25th January† on the subject of the forthcoming Royal Commission respecting the resources and trade of the Empire; and in reply to offer, for Mr. Harcourt's consideration, the following observations:—

1. The Board of Trade were not, as Mr. Harcourt supposes, aware of the position in regard to the constitution of the Commission, or of the names of the persons whom it was proposed to invite, or of those who had accepted invitations, to represent the interests of the trade of the United Kingdom on this Commission.

2. The Board of Trade were also unaware of the proposal to alter the terms of reference of the Commission, and as they understand that this proposal has been already submitted to the Dominion Governments it would appear to be too late for them usefully to offer any observations in regard to it. They would, however, observe that, while the Commission was probably not intended to conduct a detailed inquiry into the resources of the United Kingdom, it will be necessary for it to acquire some knowledge of the extent of those resources in order to enable a proper decision to be arrived at with regard to the nature and extent of our requirements from abroad.

3. The Board concur in the opinion that the decision as to the manner in which the duties of the Commission are to be carried out must rest with the Commission itself, and for that reason they are disposed to think that no definite arrangements as to the evidence to be submitted from the United Kingdom can well be made until the Commission has held its preliminary meetings and determined both its procedure and the nature of the evidence which it will desire to receive. For the same reason, whilst the Board will be glad to give any assistance in their power in respect of the matters dealt with in paragraph 6 of your letter, they are of opinion that such statistical material as the Commission may deem requisite for their purposes could best be prepared by the Secretary or Secretaries of the Commission from existing sources of information and in such form as the Commission may consider most convenient for the special purpose in view.

4. With regard to paragraph 7, the Board would point out, for Mr. Harcourt's information, that the question of a British Empire trade mark, so far as the United

* No. 374.

† No. 354.

Kingdom is concerned, is a matter which has to be determined by the Board of Trade, acting in a judicial capacity, and they could not, therefore, agree to the proposal that it should be officially submitted to the Commission.

5. With regard to the "All Red Route," the Board will be glad to confer with the Post Office as to the evidence to be given on that subject, should such evidence be desired by the Commission.

I have, &c.,
H. LLEWELLYN SMITH.

5936

No. 382.

COLONIAL OFFICE to TREASURY.

[Answered by No. 389.]

SIR,

Downing Street, 15th March, 1912.

WITH reference to your letter of the 24th ultimo,* and previous correspondence, I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Lords Commissioners of the Treasury, a copy of a despatch† from the Governor of Newfoundland enclosing a minute of Ministers respecting the apportionment of the general expenses of the Royal Commission to be appointed under the Twentieth Resolution of the Imperial Conference of 1911.

The other Dominions have accepted the proposed apportionment of expenses, and while Mr. Harcourt feels that there is much force in the contention of the Government of Newfoundland that it bears hardly on that Colony, he is reluctant to reopen the question and suggest that the apportionment should be on the basis of population as proposed by the Government of Newfoundland.

Newfoundland might fairly, in his opinion, be asked to contribute a sum not exceeding £500 a year for each year of the three years over which it is expected that the labours of the Commission will extend, and he hopes that their Lordships will agree that any amount in excess of £500 of the one-sixth to be defrayed by Newfoundland in any year may be met from Imperial Funds.

I am, &c.,
H. W. JUST.

8159

No. 383.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received March 16, 1912.)

[Answered by No. 398.]

(No. 117.)

SIR,

Governor-General's Office, Cape Town, 28th February, 1912.

I HAVE the honour to transmit to you herewith, with reference to my telegram of to-day,‡ a copy of a minute from Ministers, dated 28th February, 1912, on the subject of the representation of the Union of South Africa on the Royal Commission to investigate the natural resources and the improvement of trade of the Empire.

I have, &c.,
GLADSTONE,
Governor-General.

Enclosure in No. 383.

(Minute No. 178.)

28th February, 1912.
With reference to their Minute No. 136 of the 13th instant, Ministers have the honour to inform His Excellency the Governor-General that they have decided to nominate the Honourable Sir D. P. de Villiers Graaff, Bart., Minister of Posts and

* No. 366.

† No. 367.

‡ No. 368.

Telegraphs, as the representative of the Union of South Africa on the Royal Commission to enquire into the natural resources and trade of the Empire.

Ministers would be glad if His Excellency would be good enough to ascertain the latest date on which it will be necessary for Sir David Graaff to leave South Africa to join the Commission, as he has a great deal of work to do here before he leaves, and he is anxious to postpone his departure until the latest possible moment.

LOUIS BOTHA.

8220

No. 384.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received March 18, 1912.)

[Answered by Nos. 387 and 391.]

(No. 103.)

SIR,

Government House, Ottawa, 4 March, 1912.

WITH reference to your despatch, No. 89, of the 6th February,* on the subject of the terms of reference to the Royal Commission to be appointed under the Twentieth Resolution of the Imperial Conference of 1911, I have the honour to transmit herewith, for your information, copies of an approved minute of the Privy Council for Canada, upon which my telegram of the 1st instant† was based, setting forth the views of my responsible advisers.

I have, &c.,
ARTHUR.

Enclosure in No. 384.

CERTIFIED COPY of a REPORT of the Committee of the Privy Council, approved by His Royal Highness the Governor-General on the 29th February, 1912.

(P.C. 476.)

The Committee of the Privy Council have had before them a report, dated 26th February, 1912, from the Secretary of State for External Affairs, to whom was referred a despatch, dated 6th February, 1912, from the Right Honourable the Principal Secretary of State for the Colonies, on the subject of the terms of reference to the Royal Commission to be appointed under the Twentieth Resolution of the Imperial Conference of 1911.

The Minister observes that at the meeting of the Imperial Conference in London in 1911 Sir Wilfrid Laurier gave notice of the following motion, which he afterwards moved:—

"That His Majesty should be approached with a view to the appointment of a Royal Commission representing the United Kingdom, Canada, Australia, New Zealand, South Africa, and Newfoundland, with a view of investigating and reporting upon the natural resources of each part of the Empire represented at this Conference, the development attained and attainable, and the facilities for the production, manufacture, and distribution; the trade of each part with the others and with the outside world; the food and raw material requirements of each and the sources thereof available. To what extent, if any, the trade between each of the different parts has been affected by existing legislation in each, either beneficially or otherwise."

A discussion arose later upon the resolution, which was amended and adopted as follows:—

"That His Majesty should be approached with a view to the appointment of a Royal Commission representing the United Kingdom, Canada, Australia, New Zealand, South Africa, and Newfoundland, with a view to investigating and reporting upon the natural resources of each part of the

* No. 359.

† No. 369.

Empire represented at this Conference, the development attained and attainable and the facilities for production, manufacture and distribution; the trade of each part with the others and with the outside world, the food and raw material requirements of each and the sources thereof available; to what extent, if any, the trade between each of the different parts has been affected by existing legislation in each, either beneficially or otherwise, and by what methods, consistent with the existing fiscal policy of each part, the trade of each part with the others may be improved and extended."

The despatch under consideration states that His Majesty's Government consider that, for the purposes of the terms of reference, the wording of the resolution requires some modification, since the Commission was not intended to take any evidence as to the natural resources of the United Kingdom, though it may properly investigate food and raw material requirements in that case and also the question of legislation, other than fiscal legislation, in its bearing on trade and development.

A study of the terms of reference shows that the resolution as passed at the Imperial Conference has been departed from in two important particulars. In the first place, the United Kingdom, although included in the resolution, is exempted from enquiry and report as to its natural resources, their present and attainable development, the facilities which exist or may be created for the production, manufacture, and distribution of all articles of commerce and its trade with the outside world. The effect of this is to preclude an investigation into, and an exhibition of all the resources of all the self-governing parts of the Empire, inasmuch as one of the most important members thereof is omitted and the basis of information and comparison necessary to a broad treatment of the whole question of interdependence and mutual exchange is thereby narrowed and weakened. In this way it would seem that the correct ultimate conclusion from full premises would be prejudiced, if not rendered impossible.

The Minister of Trade and Commerce submits that the overseas Dominions are as greatly interested in the resources, development, and productions of the mother country, and her trade with the outside world, as the mother country is in that of the Dominions, and that the knowledge of the former would be as vital to any well considered scheme of mutual trade development.

In the second place, the powers of the Commission to investigate and report upon the effect, beneficial or otherwise, of existing legislation upon the trade between the different parts of the Empire, as contemplated in the Resolution, has been restricted by limiting the investigation to existing legislation other than fiscal legislation. It is not apparent what other existing legislation has had, or now has, any great effect upon inter-Imperial trade. If there be any, it is of very minor importance in comparison.

On the other hand, it is to be observed that in 1898, as the result of many years of agitation on the part of the colonies, Great Britain terminated the German and Belgian treaties which had hitherto barred the avenue to any preferential treatment by the colonies in favour of British goods exported thereto. Consequent thereupon, first Canada and then the other overseas Dominions in succession granted substantial reductions in preference to British exports. It is generally admitted that this policy has had important and wide-reaching effects, and there seems to be no good reason why its effects should not form the subject of enquiry by the Commission.

The resolution of the Imperial Conference provided that the Commission might go beyond the investigation of facts, and, as a result of their exhaustive examination into resources, development, and trade conditions, might give their ripened suggestions as to the methods by which inter-Imperial trade could be improved and extended, but this was limited by the proviso that these methods should not be inconsistent with the existing fiscal policy of each part. The terms of reference embody the spirit of the resolution in this respect.

The Minister of Trade and Commerce is of opinion that the logical and desired outcome of so thorough an investigation as that proposed through the Imperial Commission would be best attained if the Commission were permitted to make their suggestions free from all conditions and entirely irrespective of whether they coincided with the existing legislation or otherwise.

The Secretary of State for External Affairs therefore suggests that the United Kingdom be included in the full investigation as contemplated by the Resolution passed by the Imperial Council, that the words "other than fiscal laws" be omitted from the terms of reference so as to bring them in conformity with the Resolution

as passed, and that the consideration of His Majesty's Government be asked as to the advisability of giving the Commission entire freedom of suggestion, irrespective of what fiscal laws may be in force in the various countries under investigation.

The Secretary of State for External Affairs recommends that in the event of the foregoing observations meeting with the approval of Your Royal Highness, a telegram may be sent to the Right Honourable the Principal Secretary of State for the Colonies to the effect that Your Royal Highness's advisers prefer inclusion of United Kingdom as under Resolution XX., that the words "other than fiscal" be omitted from terms of reference, and that restrictions upon suggestions of Commission regarding methods for extension of trade be removed.

The Committee, on the recommendation of the Secretary of State for External Affairs, advise that Your Royal Highness may be pleased to transmit a copy hereof to the Right Honourable the Principal Secretary of State for the Colonies, for the information of His Majesty's Government.

All which is respectfully submitted for approval,

RODOLPHE BOUDREAU,
Clerk of the Privy Council.

8221

No. 385.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received March 18, 1912.)

[Answered by No. 398.]

(No. 104.)

SIR,

Government House, Ottawa, 5 March, 1912.

I HAVE the honour to forward, herewith, for your information, copy of a minute of the Privy Council dated 2 March, 1912, relating to the Royal Commission under Resolution XX. of the Imperial Conference, 1911.

I have, &c.,
ARTHUR.

Reference to previous despatch: Governor-General's telegram, 29th December, 1911.*

Enclosure in No. 385.

CERTIFIED COPY of a Report of the Committee of the Privy Council, approved by His Royal Highness the Governor-General on the 2nd March, 1912.

(P. C. 512.)

The Committee of the Privy Council, on the recommendation of the Right Honourable the Prime Minister, advise that Your Royal Highness may be pleased to submit the name of the Honourable George Eulas Foster, Minister of Trade and Commerce of Canada, to the Right Honourable the Principal Secretary of State for the Colonies, as the representative of the Dominion of Canada upon the Royal Commission representing the United Kingdom, Canada, Australia, New Zealand, South Africa, and Newfoundland, to be appointed in pursuance of Resolution XX. of the Imperial Conference, 1911, with a view of investigating and reporting upon the resources, production, manufactures, trade, &c., of each part of the Empire represented at the Conference.

RODOLPHE BOUDREAU,
Clerk of the Privy Council.

* No. 349.

7799

No. 386.

AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 1.30 p.m., 19th March, 1912.)

TELEGRAM.

Your telegram 14th March.* Hope to be able announce names of representatives of His Majesty's Government in a few days. Canada will be represented by G. E. Foster, at present Minister of Trade; Union of South Africa by Sir David Graaff, at present Minister of Posts and Telegraphs; Newfoundland by the Honourable Edgar Bowring. Announcement of name of New Zealand representative expected immediately.—HARCOURT.

8220

No. 387.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 3.30 p.m., 23rd March, 1912.)

TELEGRAM.

[Answered by No. 392.]

Your despatch 4th March, No. 103.† Enclosed minute of Privy Council has been considered fully by His Majesty's Government, but for reasons stated in my telegram 5th March‡ they regret that they cannot concur in modification of terms of reference. Terms have been accepted by other Dominions, recommendations for members of Commission practically complete, and I hope to make submission to His Majesty at a very early date. In these circumstances should be glad to know as soon as possible that I may assume terms of reference accepted by your Ministers, and recommendation of Foster maintained on that basis.—HARCOURT.

6607

No. 388.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR.

(Sent 12.40 p.m., 26th March, 1912.)

TELEGRAM.

[Answered by No. 390.]

Your telegram 2nd March.§ When may I expect New Zealand recommendation, which is required to complete names for submission to His Majesty?—HARCOURT.

9518

No. 389.

TREASURY to COLONIAL OFFICE.

(Received 28 March, 1912.)

SIR,

Treasury Chambers, 27th March, 1912.

I HAVE laid before the Lords Commissioners of His Majesty's Treasury Sir H. Just's letter of the 15th instant (5936/1912),|| and the accompanying copy of a despatch from the Governor of Newfoundland enclosing a minute of Ministers

* No. 380.

† No. 384.

‡ No. 373.

§ No. 371.

|| No. 382.

respecting the apportionment of the general expenses of the Royal Commission to be appointed under the Twentieth Resolution of the Imperial Conference of 1911.

In reply, I am to request you to inform Mr. Secretary Harcourt that in the special circumstances represented, and on the understanding that no cost will fall on His Majesty's Government in respect of the expenses of the Newfoundland representative and of any Secretary who may accompany him, they concur in the proposal that Newfoundland should not be asked to contribute a sum exceeding £500 a year in aid of the general expenses of the Commission for each of the three years over which it is expected that the labours of the Commission will extend, and that, in so far as that amount falls short of the one-sixth share of the general expenses chargeable to Newfoundland in any year, under the arrangement sanctioned by Treasury letter of the 24th ultimo,* the difference should be charged to Imperial Funds.

I am, &c.,

ROBERT CHALMERS.

9610

No. 390.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 3.20 p.m., 28th March, 1912.)

TELEGRAM.

[Answered by No. 398.]

Prime Minister recommends, for submission to His Majesty the King, Sir Joseph Ward as representative on Imperial Trade Royal Commission.—ISLINGTON.

8220

No. 391.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[See No. 392.]

(No. 220.)

SIR,

Downing Street, 28 March, 1912.

I HAVE the honour to acknowledge the receipt of your Royal Highness's despatch, No. 103, of the 4th March,† forwarding a minute from the Privy Council of Canada on the subject of the terms of reference to the Royal Commission which is to be appointed under the twentieth resolution of the Imperial Conference of 1911.

2. I have to refer to my telegram of the 5th instant,‡ and to request that you will inform your Ministers that His Majesty's Government have given the most careful consideration to the suggestions made in their minute, and that they much regret that they do not find themselves able to give effect to these suggestions.

3. The first of these suggestions is that the terms of reference should be amended so that they may include an enquiry into the natural resources and development of the United Kingdom as well as into those of the self-governing Dominions. It is pointed out that provision for such an enquiry was included in the resolution of the Conference, and it is considered that such an enquiry would be as vital to any well-considered scheme of trade development as the enquiry provided for by the terms of reference in the case of the Dominions. In making the alteration of the resolution under consideration, His Majesty's Government had in mind the fact that during the discussions which took place when the resolution of the Conference was being prepared, it was understood that in view of the desirability of the Commission reporting before the Conference of 1915, and of the amount of time which would be consumed in a detailed enquiry into resources and development in the United Kingdom, the task of the Commission would in practice in the case of the United Kingdom be restricted to enquiry into the question of food and raw material requirements, and of the questions of legislation dealt with

* No. 366.

† No. 384.

‡ No. 373.

in the latter part of the resolution. His Majesty's Government would observe that if in the course of its labours the Commission should find it necessary to go further than this, any information which it may desire will be readily afforded by the various departments of His Majesty's Government, and there will in particular be available the information in process of collection for the Census of Production in the United Kingdom. It appears to His Majesty's Government that in this way all the materials likely to be required by the Commission in the performance of its duties will be at its disposal, and in these circumstances they trust that your Ministers will not press the objection to the terms of reference now under consideration.

4. The second suggestion of your Ministers is that it is desirable to rescind the exclusion of fiscal legislation from the purview of the Commission, which is embodied both in the proposed terms of reference and in the Conference resolution. As to this His Majesty's Government would observe that, had the original resolution not been amended as shown in the Proceedings of the Conference, it would have been impossible for them to accept that resolution. Their view was that outside the domain of fiscal legislation there is a wide sphere in which the Commission can operate with advantage to the interests of the Empire. On full consideration of the matter they are unable to see any reason to modify their attitude, and they trust that your Ministers will not press for any alteration in this respect of terms of reference, which have been accepted by the other self-governing Dominions.

I have, &c.,

L. HARCOURT.

10235

No. 392.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.18 p.m., 2nd April, 1912.)

TELEGRAM.

[Answered by No. 395.]

Your telegram of 23rd March,* terms of reference to Royal Commission on Natural Resources of the Empire. In view of the agreement reached by the other Governments concerning terms of reference, Government of Canada, though still retaining views, do not care to persist therein. Recommendation of Foster maintained.—ARTHUR.

9518

No. 393.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada. No. 240.)
(Australia. No. 154.)

(Union of South Africa. No. 168.)
(New Zealand. No. 104.)

SIR,

MY LORD,

Downing Street, 4 April, 1912

WITH reference to

[Your Royal Highness's telegram of the 14th February†]
[Your Excellency's telegram of the 8th March‡]
[Your Excellency's telegram of the 15th February§]
[my telegram of the 5th February||]

I have the honour to request you to inform your Ministers that the Government of Newfoundland has represented that the arrangement proposed for the apportionment of the general expenses of the Royal Commission on the Natural Resources and Trade of the Empire would bear somewhat hardly on the Colony. The position of Newfoundland has accordingly been further considered by His Majesty's Government, and they propose that the Colony shall not be asked to contribute a sum

* No. 387.

† No. 362.

‡ No. 374.

§ No. 364.

|| No. 356.

exceeding £500 a year towards the general expenses of the Commission for each of the three years over which the labours of the Commission are expected to extend, and that, in so far as that amount falls short of the one-sixth share of the general expenses, the difference shall be charged to Imperial funds.

I have, &c.,
L. HARCOURT.

9518

No. 394.

NEWFOUNDLAND.

THE SECRETARY OF STATE to THE GOVERNOR.

[Answered by No. 397.]

(No. 65.)

SIR,

Downing Street, 4 April, 1912.

I HAVE the honour to acknowledge the receipt of your despatch, No. 7, of the 14th February,* notifying the appointment of the Honourable Edgar Bowring as the Newfoundland representative on the Royal Commission on the Resources and Trade of the Empire, and enclosing a copy of a minute from your Ministers regarding the apportionment of the general expenses of the Commission.

I request that you will inform your Ministers that the question of apportionment of expenses has been further considered by His Majesty's Government. On the understanding that no cost will fall on His Majesty's Government in respect of the expenses of the Newfoundland representative and of any Secretary who may accompany him, His Majesty's Government propose that Newfoundland shall not be asked to contribute a sum exceeding £500 a year in aid of the general expenses of the Commission for each of the three years over which it is expected that its labours will extend. In so far as that amount falls short of one-sixth of the general expenses of the Commission, the difference will be charged to Imperial funds.

I trust that this arrangement will be satisfactory to your Ministers.

I have, &c.,
L. HARCOURT.

10235

No. 395.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 256.)

SIR,

Downing Street, 11 April, 1912.

I HAVE the honour to acknowledge the receipt of Your Royal Highness's telegram of the 2nd instant† on the subject of the terms of reference to the Royal Commission on the Natural Resources and Trade of the Empire.

2. I have to refer to my despatch of the 28th ultimo,‡ and to state that His Majesty's Government appreciate the attitude assumed by your Ministers in this matter.

I have, &c.,
L. HARCOURT.

7919

No. 396.

COLONIAL OFFICE to BOARD OF TRADE.

[Answered by 14190 : not printed.]

SIR,

Downing Street, 19 April, 1912.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 15th of March.§ respecting the Royal Commission to be appointed in pursuance of the twentieth resolution of the Imperial Conference, 1911.

* No. 367.

† No. 392.

‡ No. 391.

§ No. 381.

2. Since the date of that letter the Commission has been appointed by His Majesty the King, and a copy of the Royal Commission* is enclosed for the information of the Board of Trade. An informal and preliminary meeting of the British members has been held, at which it was decided to request the oversea members to assemble in this country early in June to settle the question of procedure. Pending their arrival it is not proposed to proceed further with the arrangements as to evidence in this country, but it is desired to make some progress in collecting the statistical materials referred to in the terms of reference.

3. Mr. Harcourt desires to suggest, for the consideration of the Board of Trade, that in view of the importance of the statistical work to be done in connection with the Commission, it is advisable that an officer of the Board of Trade with statistical attainments and experience should be selected for appointment as Assistant Secretary to the Commission. It is hoped that the Board would allow the officer selected to continue to draw his departmental salary, and he would receive in addition the usual allowance at the rate of £150 per annum, and would be charged with the duty of preparing, under the instructions of and in co-operation with the Secretary, such statistical materials as the Commission might require, and of checking and collating statistical material put in as evidence. It is not contemplated that he should travel with the Commission abroad, but that he should remain in this country dealing with any routine correspondence which might require attention during the absence of the Commission, and occupying himself with the completion of statistical material for inclusion in the final report, and with such other work as he may be charged with in the absence of the Commission.

4. Mr. Harcourt understands that the Board are able to recommend a suitable officer, and, on hearing that this is the case, he would propose to obtain the approval of the Lords Commissioners of the Treasury for the appointment.

I am, &c.,
H. W. JUST.

13274

No. 397.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 7.18 p.m., 29th April, 1912.)

TELEGRAM.

Reply of my Ministers to your despatch of 4th April, No. 65,† is that proposals are quite satisfactory.—WILLIAMS.

8221

No. 398.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada. No. 323.)

(Union of South Africa. No. 227.)

(Australia. No. 199.)

(New Zealand. No. 139.)

SIR,

Downing Street, 10 May, 1912.

MY LORD,

I HAVE the honour to acknowledge the receipt of [Your Royal Highness's telegram of the 5th March and despatch, No. 104, of the same date‡]

[Your Excellency's telegram of the 2nd March§]

[Your Excellency's despatch, No. 117, of the 28th February||]

[your telegram of the 28th March¶]

respecting the appointment of [the Hon. G. E. Foster] [Mr. Donald Campbell, LL.B.] [the Hon. Sir David de Villiers Graaff] [the Rt. Hon. Sir Joseph Ward] as the representative of [Canada] [the Commonwealth of Australia] [the Union of South Africa] [New Zealand] on the Royal Commission of Enquiry into the natural resources and trade of certain portions of His Majesty's Dominions.

* Printed in [Cd. 6515], December, 1912.

† No. 394.

‡ Nos. 372 and 385.

§ No. 370.

|| No. 383.

¶ No. 390.

I have to refer to my telegram of the 3rd April* notifying the names of all the members of the Commission.

I have, &c.,
L. HARCOURT.

17739

No. 399.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE

(Received 10.47 a.m., 8th June, 1912.)

TELEGRAM.

[Answered by No. 400.]

Royal Commission. Ward has this day handed over to Prime Minister his resignation of position of representative of New Zealand on the Royal Commission. He states that his reason for withdrawal is the decision of Royal Commission to sit first in England and then Canada, and that although, on the whole, this decision seems to him to be wise, it prevents his acceptance of position of representative unless he immediately resigns his seat as Member of Parliament, and this he cannot see his way to do. He further explains that when accepting position he understood that Royal Commission would sit first in Commonwealth of Australia and New Zealand for some time, and this would have enabled him to carry out his parliamentary duties. Am urging on Prime Minister that appointment should be filled up as soon as possible by some other representative.—ISLINGTON.

17739

No. 400.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR.

(Sent 4.20 p.m., June 14, 1912.)

TELEGRAM.

[Answered by No. 400A.]

Your telegram 8 June,† Royal Commission. Ward has been incorrectly informed. It has always been intention to visit Australia and New Zealand first, see my telegram of 17 April,‡ and at meeting yesterday Commission formally decided on this, and will arrive in Australia about end of February, perform work in United Kingdom this summer and autumn, anticipation being that meetings to hear evidence will commence about beginning of October. Should be glad to learn who will be recommended for Commission in place of Ward.—HARCOURT.

19231

No. 400A.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 8 a.m., 22nd June, 1912.)

TELEGRAM.

Your telegram of 14th June,§ Royal Commission. Am desired by Prime Minister to recommend Hon. John Robert Sinclair, Member of the Legislative Council, for appointment as representative of New Zealand on the Royal Commission in place of Ward. Sinclair is now in England.—ISLINGTON.

* This telegram ran:—His Majesty's Government are now in a position to state the names of members of the Royal Commission to be appointed under Resolution XX of Imperial Conference, 1911.—United Kingdom: Lord Incheape (Chairman), Sir Edgar Vincent, Sir Charles Owens, Sir H. Rider Haggard, Mr. Thomas Garnett, Mr. W. Lorimer; Dominion of Canada: Hon. G. E. Foster; Commonwealth of Australia: Mr. Donald Campbell; New Zealand: Sir Joseph Ward; Union of South Africa: Sir David de Villiers Graaff; Newfoundland: Hon. Edgar Bowring; with W. A. Robinson, of the Colonial Office, as Secretary.

† No. 399.

‡ Not printed.

§ No. 400.

APPENDIX.

Extracts from the Proceedings of the Imperial Conference, 1911,
Relating to the Royal Commission on Trade and Development
to be Appointed under the XXth Resolution of the Conference.

(1)

RESOLUTION XX.

ROYAL COMMISSION AS TO NATURAL RESOURCES AND IMPROVEMENT OF TRADE
OF THE EMPIRE.

That His Majesty should be approached with a view to the appointment of June 16.
a Royal Commission representing the United Kingdom, Canada, Australia, New Zealand, South Africa, and Newfoundland, with a view of investigating and reporting upon the natural resources of each part of the Empire represented at this Conference, the development attained and attainable, and the facilities for production, manufacture, and distribution; the trade of each part with the others and with the outside world, the food and raw material requirements of each and the sources thereof available; to what extent, if any, the trade between each of the different parts has been effected by existing legislation in each, either beneficially or otherwise, and by what methods, consistent with the existing fiscal policy of each part, the trade of each part with the others may be improved and extended.

(2)

EXTRACT FROM PROCEEDINGS OF 10TH DAY.

COMMERCIAL RELATIONS AND BRITISH SHIPPING.

Australia.

"That this Conference, recognising the importance of promoting fuller development of commercial intercourse within the Empire, strongly urges that every effort should be made to bring about co-operation in commercial relations and matters of mutual interest."

"That it is advisable, in the interests both of the United Kingdom and of the British Dominions beyond the seas, that efforts in favour of British manufactured goods and British shipping should be supported as far as it is practicable."

Sir WILFRID LAURIER: Perhaps Mr. Fisher will allow me to make an observation about the two next Resolutions on the Paper to-day, which come from Australia, which are in these words:—First, "That this Conference, recognising the importance of promoting fuller development of commercial intercourse within the Empire, strongly urges that every effort should be made to bring about co-operation in commercial relations and matters of mutual interest." Secondly, "That it is advisable in the interests both of the United Kingdom and of the British Dominions beyond the seas that efforts in favour of British manufactured goods and British shipping should be supported as far as it is practicable." I may observe that, for my part, and speaking for the Government which I and my colleagues here represent, we are in complete sympathy with the object which it is sought to attain by these two Resolutions. The only observation which I have to make at the present time is that unless they are supplemented by something more tangible I am afraid that they would not lead up to such immediate results as we would

hope for. The commercial relations which exist to-day between the different parts of the British Empire, the Mother Country, and the Dominions, have been very much the result of haphazard, and never the consequence of any initial movement on the part of anybody or of a regular review of the situation as it exists in the different countries. We are all pretty well familiar with the condition of things as it exists in the United Kingdom on account of its great prominence in the world at large, and especially its commercial prominence, but we are not so familiar with the conditions of things which exist in the young nations which are represented at this Board, and it is difficult to proceed to an improvement in the condition of the trade relations between the Dominions and the United Kingdom, and between the Dominions themselves, unless we have, I submit, more information than we have at the present time. The legislation which has been passed in the different parts of the British Empire by all the self-governing Dominions has been by each one in its own direction, and there is very little attempt at uniformity, if uniformity is attainable. We passed some legislation ourselves in 1897 which has been followed by, and, I think, has been productive of, good results, when we gave a preferential tariff to the products of the Mother Country. On the other hand, in Canada we have to complain, and have complained bitterly, of some legislation of the United Kingdom which peculiarly affects a very important Canadian trade—the cattle trade. Our cattle have been subjected for many years past—for over 20 years, if my memory fails me not—to an embargo which was based upon the statement then made that there was disease in the cattle of Canada, which we denied at the time without being able to make an impression. We have protested again and again that our cattle were not diseased. We have asked that that embargo should be removed, but we have failed every time. Our protests are as old as the legislation itself, but though presented year after year, they have not met with any response. We believe that if the true condition of things were known, and if it were found out that the basis upon which this prohibitive legislation was adopted was false, the result would be different from what it is, and we should have some good reason to hope that this impediment to a very important trade would be removed. These reasons, amongst others, induce me to believe that the first thing that we should do, if we are to attain the object which is sought by the Commonwealth of Australia of promoting fuller development of commercial intercourse with the Empire, and if the transport of manufactured goods in British shipping is to be achieved, is to have more information than we have upon this subject, and endeavour to obtain as accurate and full information as it is possible to have. Therefore, I would suggest to the Conference that the first thing to be done would be to have an inquiry into all these subjects and all the connected matters. Therefore, I beg to move the following Resolution, which I venture to place before the Conference:

"That His Majesty should be approached with a view to the appointment of a Royal Commission representing the United Kingdom, Canada, Australia, New Zealand, South Africa, and Newfoundland, with a view of investigating and reporting upon the natural resources of each part of the Empire represented at this Conference, the development attained and attainable, and the facilities for the production, manufacture, and distribution; the trade of each part with the others and with the outside world, the food and raw material requirements of each, and the sources thereof available. To what extent, if any, the trade between each of the different parts has been affected by existing legislation in each, either beneficially or otherwise."

I have left in blank the number of the members of the Commission and the proportions to be given to the United Kingdom and the different Dominions. If we agree upon the principle, this is a matter which can be settled later on by mutual conversation at this Board. What I am anxious to present at this moment is the advisability, I would almost say the necessity, before we proceed any further and before we separate, of our endeavouring to obtain all the information possible as to the trade conditions that exist now between the United Kingdom and the self-governing Dominions, not only with respect to the trade we have with the Mother Country, but the trade which there is with the different Dominions amongst themselves. By way of illustration I may say here that our relations in Canada with our brothers from Australia are not as satisfactory as they ought to be. We have been trying to get mutual preferential treatment, but we have not been able to do so, and I strongly hope that such a Commission as I have indicated would

find it possible to come to the end which we have not been able to reach up to the present time.

Mr. HARCOURT: Gentlemen, I think Sir Wilfrid Laurier's Motion to-day is only another step in advance in the path of what has been the governing note of this Conference—the path not of Imperial concentration, but of Imperial co-operation; and on that ground, with a slight explanatory amendment, His Majesty's Government will see no difficulty in accepting Sir Wilfrid Laurier's proposal.

The last sentence which Sir Wilfrid Laurier read—"To what extent, if any, the trade between each of the different parts has been affected by existing legislation in each"—was directed, as we saw from his remarks, more to such matters as the embargo on cattle and cognate subjects which have given some inconvenience and dissatisfaction to Canada; but the words are a little wide and might possibly be misunderstood by people who saw only the Resolution and not the discussion by which it has been accompanied; and I would propose, therefore, to add at the end of Sir Wilfrid Laurier's motion these words: "and by what methods, consistent with the existing fiscal policy of each part, the trade of each part with the others may be improved and extended." The object of this is to show that this Royal Commission is not one which is launched in order to inquire into, or to make recommendations on, the policy of the Dominions or of the Mother Country; and especially these words will show that no recommendations are required on the fixed fiscal policy of the Dominions themselves or of the home country. I think if that is made clear the Commission will probably serve a most useful purpose in correlating the views of the Dominions in other trade matters and putting the whole Empire on a better basis for further co-operation between its units.

Mr. FISHER: I find no fault with Sir Wilfrid Laurier for substituting this proposition for the proposals of the Commonwealth Government; indeed I think it is a more practical way of dealing with a rather difficult set of questions, and I see no reason why the addition proposed by Mr. Harcourt should not be made, because if a Commission of this kind is to be of any service at all it should be free to look into every matter that would be likely to give full and accurate information about the production, manufacture, and distribution of wealth in the United Kingdom and the other Dominions, and it ought not to dogmatise as to the right way for each and all of them to conduct their own affairs.

I am rather pleased with this practical way out of a difficulty that exists at the present moment, and if it is approved by the Conference it may remove perhaps some of the disabilities that we quite unwillingly bear, because we do not understand the views of the other Dominions. I commend it all the more freely because I want, with the permission of the Conference, to later on submit a Resolution inviting the co-operation of the Government of the United Kingdom to allow, before the next Conference meets, some of their colleagues to visit the Oversea Dominions and see for themselves, and by that means aid and give assistance to a Commission of this kind, even if one of them cannot accompany it. I do not wish to over press that because I know the arduous duties that they perform here, but it is not out of place on a motion like this to say how much we should prize and value a visit from a responsible Minister of the United Kingdom in the distant parts of the Oversea Dominions. We feel that we lose a great deal by our not being personally known, just as we feel we miss a great deal by not being here more frequently.

It may be asked: Would it be within the powers of this Commission to inquire into the shipping arrangements and means of transport, &c.? I suppose it would be.

The PRESIDENT: Yes, clearly.

Mr. FISHER: I only mention that as one of the big questions. The reference to the Commission would be wide and general.

Mr. HARCOURT: The Resolution says: "The trade of each part with the others."

Mr. FISHER: As I read it, it is exceedingly wide and general. That it has not prescribed limits, to go into a groove, entirely suits my opinion. I believe a Commission composed of the quality of the men who would constitute it, would largely have its labours wasted if it were circumscribed and if the reference confined

the members of it to pursue their inquiries in certain grooves. Therefore I commend it all the more because that has been wiped out. I should like to go further when speaking of getting more accurate information on these matters. I do not think it would be out of place for the Government of the United Kingdom to seriously take into their consideration whether the time is not coming when even Conferences such as this, or some subsidiary Conference, dealing with matters of inter-Dominion interest, should not meet elsewhere than at the seat of Government, in London. These are matters hardly embraced within the proposition before us. Mr. Asquith smiles at the difficulty.

The PRESIDENT: All I say is that I do not think it is strictly relevant to this particular Resolution, but I am very glad to hear what you have to say about it.

Mr. FISHER: I do not want to carry that any further, but the question is whether this Commission shall be of such a character as would perhaps include Ministers, or men of the standing of Ministers, in the United Kingdom or in the Dominions, because I assure you that is an important point. I should not for one moment support a Resolution of this kind except under the belief that the men who compose the Commission shall be men of the very first order both in the United Kingdom and in the Dominions, because I assure you they will be treated with courtesy, but with indifference, unless that is so.

The PRESIDENT: We quite agree to that.

Mr. FISHER: That is what I have in my mind when I am speaking of men who are occupying leading positions in the United Kingdom, because, small as the communities of the Oversea Dominions may be, they are just as proud as the proudest of those who exist in this part of the British Empire.

Altogether I think this proposal is a happy solution and a practical solution of a rather difficult question, and I hope it will commend itself to the Conference.

Sir JOSEPH WARD: I think that the proposal of Sir Wilfrid Laurier meets the position in a very practical way. The passing of either of the two Resolutions would really be a generalisation, and the outcome of them could not be of any practical use to the various portions of the Empire which Mr. Fisher in his motions was anxious to help. I recognise that a precedent to what is required in order to have practical results achieved is a very extended inquiry, and I think that Sir Wilfrid Laurier's proposal is a happy solution of what was intended to be achieved under the Resolutions submitted by the Commonwealth of Australia. What Sir Wilfrid Laurier is proposing is to my mind exceedingly important. I believe, after we have obtained the results of the Commission proposed under this Resolution for investigating and reporting upon the national resources of each part of the Empire, we will all be in a better position to deal with matters which, to a very large extent, can otherwise only be in the air respecting the different portions of the Empire; and, until we have practical information before us, we are really not in a position to ask our respective Legislatures to do what may be necessary in the shape of legislation, but I should hope we will be in that position as the outcome of an investigation of the kind proposed. The suggestion as to obtaining information regarding facilities regarding production, manufacture, and distribution is exceedingly important. I do not want in any way to refer to the local aspect of the cattle trouble as applicable to Canada, which is important to that Dominion, but there are matters in my own country which could, I think, with great advantage to the Empire, be improved, and none of us are in a position to come to a decision upon them unless we had the results of a Commission that would take a year or two at the very shortest to inquire all over the Empire upon the various matters that they could, with much advantage, inquire into. If they do their work thoroughly, as I have no doubt they will do, then, I think, we ought to be able to help the development of trade very materially within the Empire. For my part I think that great care should be taken to see that the composition of this Commission is a good one, because upon that a great deal would depend. I have no doubt we shall have a little trouble in selecting suitable men in the overseas Dominions. We will have some trouble in finding men who possess the requisite qualifications, with impartial minds, as they require to have. But a Commission of the kind must be a strong and representative one. It will afford an opportunity to the other members outside the New Zealand representation of gaining experience of our affairs when passing through our country, and *vice versa*, which would be very valuable to them and very valuable to us. The same

remark applies to other portions of the Empire that it will go through. For my part I think the suggested amendment by Mr. Harcourt is one that is essential to enable us to arrive at a unanimous decision upon a question of this kind, because in all our countries the fiscal system concerns the whole of us. We are committed to our respective fiscal systems, and I think no Commission should be empowered to suggest to any of us what our fiscal policy should be.

So far as I am concerned, I most cordially support the Resolution Sir Wilfrid Laurier has moved.

General BOTHA: I agree.

Sir E. MORRIS: Yes, I agree.

The PRESIDENT: Gentlemen, I think the Conference is very much indebted to Sir Wilfrid Laurier for making this very practical proposition. It will set up, as the result of the decision of this Conference, a body whose labours will certainly prepare the way, and possibly make the way plain, for effective and practical action by the next Conference; and possibly before the next Conference meets for the legislation of the Governments of the different parts of the Empire. I think it important to emphasise that the proposed Commission is to be an advisory body with a reference as wide as words can make it, inquiring into all matters connected with trade, commerce, production, and intercourse between the different parts of the Empire, and that it is not a Commission to suggest, still less to dictate, policies to the different Governments, either to the Government of the United Kingdom or to the Government of any of the Dominions. In regard to matters of policy we are, and must remain, our own masters. Nor do we seek advice; nor would it be fitting for anybody outside to tender us advice in regard to large questions either of domestic or of Imperial policy.

I entirely subscribe to what Sir Joseph Ward said just now in illustration of what also was said this morning by Sir Wilfrid Laurier. Possessing as we do in this Empire every kind of fiscal diversity, each part of the Empire, by what I conceive to have been a most happy arrangement, having been left free and autonomous in the matter, we must be allowed to pursue, as from time to time the majority of our fellow countymen think fit, such fiscal policy as, in the opinion of that majority, is best suited to the requirements of the particular part of the Empire for which we are responsible.

Making that quite clear, let me say, in view of what Mr. Fisher said, that the intention is that this Commission should be what is called a peripatetic Commission—that is to say, that it should visit the different parts and not sit only in one. That is, I understand, Sir Wilfrid Laurier's opinion, and I entirely agree to it; and in regard to its composition, I can assure him, so far as the Government of the United Kingdom are concerned, no pains will be spared to secure the services of the ablest and most representative men that we can, and the men that will command the greatest confidence, to sit upon it. I should be very glad, if it were possible, to adopt the kindly suggestion that a Minister of the Crown should take his seat upon it. It would be a most agreeable diversion—a change of scene, and a change of thought, and a change of occupation; but I do not know altogether how our offices would get on in our absence from this country.

Mr. FISHER: It is wonderful how they get on without us.

The PRESIDENT: You are showing us how it can be done, and if we cannot follow your example, at any rate we are very grateful for your hospitable desire to see us in Australia—a desire which has been endorsed by the other representatives as far as their Dominions are concerned, and, if possible, we should only be too happy to visit you.

Mr. FISHER: I should like to add that this is a Commission the expenses of which should not fall entirely upon the Government of the United Kingdom. I want to say on behalf of the Commonwealth of Australia, that we endorse this as a sound principle, and we hope we shall be allowed to contribute our share of the expenses of that Commission.

Sir JOSEPH WARD: I most cordially agree.

The PRESIDENT: That is a very handsome suggestion.

Sir JOSEPH WARD: Because the work of this Commission, though we have a smaller interest than Great Britain, is as much to our benefit as it is the Homeland, and, I think with Mr. Fisher, we should each pay our share.

Mr. FISHER: It is a sound principle, I think.

Sir WILFRID LAURIER: As I say, I find no objection to adopting the amendment suggested. The reasons set forth by Sir Joseph Ward seem to be very strong on this point, and therefore I agree.

The PRESIDENT: Then it is the pleasure of the Conference, that Sir Wilfrid Laurier's Resolution, with the added words, should be adopted as the Resolution of the Conference.

Mr. FISHER: Then there is the question of the number of Commissioners. -

The PRESIDENT: Leave the number open for the moment. That might be a matter for private discussion.

Mr. FISHER: Then about the expenses.

Sir WILFRID LAURIER: We need not pass a Resolution about that.

The PRESIDENT: No.

Sir WILFRID LAURIER: We are all agreed we should contribute.

The PRESIDENT: We take a note of your suggestion, and we are very grateful for it.

Mr. HARCOURT: It will be on the notes.

Mr. FISHER: Under the circumstances we shall not proceed with the other two Resolutions.

ALL-RED ROUTE BETWEEN ENGLAND, AUSTRALIA AND NEW ZEALAND, VIA CANADA.

"That, in the interests of the Empire, it is desirable that Great Britain should be connected with Canada, and, through Canada, with Australia and New Zealand, by the best mail service available. That, for the purpose of carrying the above desideratum into effect, a mail service be established on the Pacific between Vancouver, Fiji, Auckland, and Sydney by first-class steamers of not less than 10,000 tons and capable of performing the voyage at an average speed of 16 knots. That in addition to this a fast service be established between Canada and Great Britain, the necessary financial support required for both purposes to be contributed by Great Britain, Canada, Australia, and New Zealand in equitable proportions."

Sir JOSEPH WARD: In order to save a double discussion, my friend, Sir Edward Morris has suggested to me that his Resolution bearing upon the establishment of a line of steamers between Great Britain and the Oversea Dominions might be taken together with mine. I have no objection to that.

At the last Conference, on the 14th May, four years ago, a Resolution was carried "That in the opinion of this Conference the interests of the Empire demand that in so far as practicable its different portions should be connected by the best possible means of mail communication, travel, and transportation. That to this end it is advisable that Great Britain should be connected with Canada, and through Canada with Australia and New Zealand by the best service available within reasonable cost. That for the purpose of carrying the above project into effect such financial support as may be necessary should be contributed by Great Britain, Canada, Australia, and New Zealand, in equitable proportions." The idea at that time was to have a fast service across the Atlantic and across the Pacific, giving connection between the Old Country—and I take New Zealand as the other extremity—in about 21 days. After the Conference had dissolved, on behalf of the Government of New Zealand I advised that we were prepared to support a service such as was suggested, which I think across the Pacific was then fixed at 18 knots an hour, and to give £75,000 a year. So from the practical standpoint we came right along and did our part, but I understand difficulties supervened from a financial point of view, that prevented the others doing what was necessary to enable that Resolution which I have just quoted being put into practical form. In the interval there has been a change in two important directions to which I want to allude. The existing service across the Pacific, which expires in July of this year, has been by

Canada and New Zealand extended for a period of five years. At the moment Australia is not joining in that particular service, but I should very much hope to see them come into it later on. In considering this proposal now for an Atlantic service and an overland service through Canada and on across the Pacific to New Zealand, I feel it necessary to say that this Conference requires to recognise our obligations entered into across the Pacific by Canada and New Zealand for the existing service, and whatever may be done across the Atlantic, subsequently we would require to come into a faster service across the Pacific without in any way committing any breach of arrangement with the existing contractors as between Canada and New Zealand. That position presents itself, and I think it only right for me, in submitting the proposal in the Resolution I have before the Conference now, to make that position clear. In doing so I have no doubt that the existing Pacific contractors would do their part in return for reasonable payment to increase the speed across the Pacific.

Another important alteration which has taken place since the Resolution in 1907 was passed, and which to a very large extent would minimise and indeed overcome one of the principal objections to ensuring a fast service across the Pacific, is the fact that the difficulty of coaling at various points which was alluded to during the former discussion has now disappeared as far as the Pacific is concerned, that is the certainty of using oil instead of coal; this would reduce the time between Vancouver and New Zealand, because the steamers would not require to spend the time which was formerly required for coaling at Honolulu and Fiji. With the facilities for obtaining oil, I have been assured by more than one representative shipping man that they could now give us a service across the Pacific of 20 knots an hour without any of the difficulties that presented themselves when this matter was before the Conference on the last occasion. So that in dealing with this matter now I find myself in the position of co-operating and supporting the All-Red route, which in the general interests of the oversea countries and Britain too is so very important. As far as the Pacific side is concerned, while recognising the obligations we have for the existing contract, I can urge the establishment of an All-Red Service, and upon the expiry of the present Pacific contract (our present contractors might be disposed to enter into an arrangement to alter it, of course) of availing ourselves of oil fuel with a view to having more rapid communication across the Pacific.

I want to say that in those two directions there has been an alteration since this matter was submitted to the Conference on the last occasion. I also take the opportunity of saying that I have been advised only by cable from New Zealand this morning—and this is a matter which Sir Wilfrid Laurier perhaps may allow me to say one word upon—that unless there is an alteration made in the time that the Canadian Pacific Railway Service is running mails and passengers across Canada now, a day's loss as against sending the mails across the American Continent would, even under the proposals we are submitting, ensue as against the American overland route; so that, as a corollary to what is being done across the Atlantic and Pacific, there appears to be some necessity for a reduction of the time which I apprehend is possible on the overland Canadian route.

I do not propose to repeat any of the arguments I brought forward on the last occasion on the matter of what is required to carry out a service of this kind excepting to say that those arguments with the advantage of oil as against coal still hold good.

The PRESIDENT: I do not know whether it would be convenient to you, Sir Joseph, but it occurred to the Chancellor of the Exchequer and myself when you were mentioning some of the points in which the situation had changed, whether you would deal with the question of the approaching completion of the Panama Canal.

Sir JOSEPH WARD: I intend to allude to it. I want just to direct the attention of the Conference to the particular point of the Canadian rail service, because I know it is important in connection with the hastening of the service across the Atlantic, connecting as it does with the existing service we have across the Pacific. I want to impress upon the British Government particularly, that New Zealand is, I think, the only one of the self-governing Dominions that is not in the fortunate position of having a subsidised mail service outward from Great Britain in connection with any line of steamers trading between the Mother Country and New

Zealand. Australia has a subsidised service, India has it, South Africa has it, and the United States of America has it. I am not talking of the subsidies given at the other end, of course, but of the British subventions to steamers carrying mails and passengers outwards from the United Kingdom. I want to impress upon Mr. Asquith and his colleagues here that we in that distant country do not want to be excluded from participating in what, from the practical point of view of bringing us closer to the old country, is so essential to us. It does seem to me that the time has arrived when perhaps that aspect of the matter might be favourably considered. We are paying for mail services to the old land, but the old country is not doing so to us and they are doing so to other countries.

I realise that the prospects in a few years from now of the opening of the Panama Canal may materially affect the whole system of connecting certainly New Zealand—it does not apply to Canada—with the Mother Country. Upon the opening of that canal it will bring us a few days, at all events, nearer to the old country than the existing route does. But I have got a very strong desire to see the All-Red route linking up Great Britain, Canada, and New Zealand independently of any prospect of the Panama Canal, because in New Zealand we look upon Canada as a half-way house, as a great and growing British Dominion that, in co-operation with England and with us, would obtain material benefits in many ways; and I should not be disposed myself to relinquish any effort to link up Canada with the old country, and with New Zealand, of course, on the other side, on account of any prospective developments that may take place after the opening of the Panama Canal. When the Panama Canal is opened—

The PRESIDENT: When is it expected to be opened?

Sir JOSEPH WARD: In about three years from now. That is what I was told a short time ago in response to enquiries I made. In the ordinary course of things, the opening of the Panama Canal, as far as New Zealand is concerned, will raise a question beyond all doubt as to what we are going to do in the matter of some of our steam services with England, and, if the rates upon the Panama Canal are not prohibitive, I have no doubt whatever that a large portion of our trade with this country will be carried through the Panama Canal.

Mr. LLOYD GEORGE: Certainly the postal service will go through the Panama Canal.

Sir JOSEPH WARD: If there were fast enough steamers running that way I agree a large portion of them would, and my belief is that a great deal of our oversea traffic, independent of the postal business, will go through the Panama Canal. The All-Red route, however, to my mind, from the standpoint of what I would call British sentiment that is permeating this country and the oversea countries too, is very strongly favoured in New Zealand. In submitting this resolution I recognise we are in the position of being by no means the principal factor, because the two countries that are the chief factors are the United Kingdom and Canada, and the larger portion of the subsidy required to make it a successful service is undeniably the one across the Atlantic, and unless the service across the Atlantic is settled as between the Home Country and the Dominion of Canada, then all the efforts to have an All-Red route extending across the Atlantic, Canada, and then across the Pacific would be practically neutralised.

I need not further elaborate upon this proposal. I have submitted on a former occasion what I conceived to be possible, a 21 days' service between Great Britain and New Zealand, if the necessary subsidies are given, and I strongly favour the proposal, and hope the resolution will be agreed to.

Mr. LLOYD GEORGE: What are the P. & O. boats—18 knots?

Sir JOSEPH WARD: They do not average 18 knots—I think it is about 15.

The PRESIDENT: You have a resolution germane to this, Sir Edward?

Sir EDWARD MORRIS: Yes, and I should just like to say a few words in relation to it. My resolution was to the point of the development of trade, and I think the statistics of the Board of Trade will show that, principally by reason of the very imperfect communication, a very large amount of trade has gone away from the Empire; 40 years ago 50 per cent. of the total imports into Newfoundland were from Great Britain, and to-day I think it will be found that we do not import

15 per cent.; it has fallen from 50 to 15. I was pointing out that my resolution went more to the point that by an improved mail service and passenger service the trade might be developed within the Empire, and I was going on to say that in my opinion the falling-off in the trade as between Newfoundland and Great Britain is largely due to the want of it.

Sir WILFRID LAURIER: What country has replaced the trade of Great Britain?

Sir EDWARD MORRIS: The United States, largely owing to their greater facilities. I was coming to that. Forty years ago 50 per cent. of our total imports came from Great Britain; to-day we do not import 15 per cent. That is in view of the fact that the imports have steadily increased every year during that 40 years, and during the last 10 years they have doubled. Now nearly all that trade, or a very great portion of it, has gone to the United States, the reason being principally that whilst we have only a fortnightly service between Great Britain and Newfoundland, the same service that we had 40 years ago, we have several lines of communication of different kinds between the United States and Newfoundland, and also practically a daily train service.

The memorandum which has been submitted here in relation to this matter by the General Post Office rather misunderstood the object of the resolution that I am proposing, in that it would appear that they understood that I claimed that the best service that can be made available for connecting Great Britain and Canada should necessarily touch at Newfoundland. I do not go so far as to say that, but my resolution only goes so far as to say that if a service could be established between Great Britain and Canada by touching at Newfoundland, not in the sense of remaining there to such an extent as would seriously impair the service, but merely touching as the boats touch between Great Britain and Canada at Queenstown, merely for an hour going and coming, to disembark mails and passengers. As a matter of fact, many of the lines between Great Britain and Canada go right by the coast; they nearly all pass Cape Race when they go south of the country, and with regard to the Allan boats and the White Star Lines, that go through the Straits of Belleisle, there are points in Newfoundland where they are for hours within three miles of the coast, the people can almost speak to those on board, the Strait being only about seven miles between Newfoundland and Canada, and they have to pass through that, so that it ought to be a very easy matter, with hardly any delay, to make a link by such a connexion as that.

If these figures I have quoted be correct, and if it is equally clear that the falling-off of British trade and the British connection with Newfoundland is due to the causes I have assigned, then I think it would be worth the consideration, if not of the Conference at least of the British Government, that some improvement should be made by getting a faster service, a more frequent service and a better service. This can, I think, be accomplished by an increased subsidy. We could get a very much better service to-day if we could offer the tendering companies a better subsidy. To-day we subsidise one line, the Allan Line; they have been coming there for 40 years with a fortnightly service, and we pay half the subsidy and the British Government pays the other half. It is only a very small amount, but if we were in a position to double the amount and in that way have an improved service, I am quite satisfied that a very large increase would take place in the development of trade. I should not perhaps go so far as to say that the whole of the trade that has gone away from Great Britain might be got back, but I know a very considerable quantity would.

The same is true as regards passengers and as regards persons visiting the country. Thirty years ago I do not think we had one hundred strangers visiting Newfoundland; last year we had 5,000. There has been an increase of about 5,000 in 30 years. Now of that 5,000 we had not 50 from Great Britain; they all came from the United States and from Canada, due, as I say, to the improved service between Canada and Newfoundland, and also with the United States, to which Canada contributes with Newfoundland. Whilst I do not think that this would be the proper time to ask this Conference to pass a resolution to increase the present subsidy—because that is a matter really more perhaps for the Imperial Government and ourselves, and I have brought the matter before the proper Department—at the same time I should like to feel that the Conference would be in sympathy with any

arrangement that might be made in which Newfoundland could be linked up with any All-Red route, without, of course, seriously impairing the same.

Sir WILFRID LAURIER: I have simply to say that in so far as the Government of Canada is concerned, we altogether and absolutely endorse the resolution moved by Sir Joseph Ward. We had a similar resolution four years ago passed by this Conference, but, unfortunately, nothing yet has come of it. Yesterday we discussed the "All-Red" route as far as telegraphs are concerned, and there, in my opinion at all events, the difficulty (I think I was right in that) lay on the Atlantic Ocean. I am afraid on this occasion when we discuss the mail route, the difficulty is on the Pacific Ocean. We have at the present time between Canada and Great Britain four lines of steamers of first importance, the Allan Line, the Canadian Pacific, the Canadian Northern Line, which is known as the Royal George, and the White Star. They give a fairly good service, but it is susceptible of very considerable improvement. None of these lines, I think, are faster than 18 knots, if even that much.

Mr. LLOYD GEORGE: Only 18 knots across the Atlantic?

Sir WILFRID LAURIER: That is so.

Mr. LLOYD GEORGE: I thought the Canadian Pacific Railway had done 21 knots.

Sir WILFRID LAURIER: They are thinking of it, but they have not got it yet. We hope to have a similar service with 22 knots, and we are prepared, in Canada, to have a higher kind of service going as fast as 25 knots. The Canadian Government would be prepared, on the lines of the resolution which has been moved, to contribute its share with Great Britain, Australia, and New Zealand. Whether we can induce Australia to come in is a question as to which I have not yet had satisfactory information. New Zealand has been more enterprising in that respect, if I may say so without offence. On the Pacific Ocean there is a difficulty, so far as I understand, between Australia and New Zealand, which, I am sorry to say, has not been solved, and, so far as I know, is not in process of solution either. If it is to be different, we will know by-and-by from Australia, but there again we are prepared to contribute our fair share to the best service that can be organised. Sir Joseph limits himself to 16 knots on the Pacific Ocean, but I think it is not too ambitious to say that we might go to 18 knots on the Pacific Ocean.

Mr. FISHER: Twenty.

Sir WILFRID LAURIER: I say 18 for the present, and I have no objection to 20 in the future, but for this year or next year we can easily provide for a service of 18 knots on the Pacific Ocean plying between Vancouver and Australia and New Zealand. Sir Joseph mentioned a moment ago in his remarks that the Canadian Pacific Railway service was slow. Knowing the Pacific Railway Company as I do, I know they would be prepared at any time to give the very best service that could be put on the Continent of America. Without boasting at all, I say that Company have shown such great enterprise that I am quite sure they will make my words good, and be prepared at any moment, if such a scheme were to be realised, to give, I will not say the fastest, but as fast a service as is to be found to-day on the American Continent.

The question of Panama is one which is not to be overlooked. What will be the effect of Panama is still an uncertainty. In so far as the passenger traffic is concerned, I have heard—I give the information for what it is worth—that Panama will not compare with the Canadian route. The discomforts of the heat will be such on the Panama route as will make the Canadian route far more available. Coming from Australia to Canada, crossing the heated zone, you cross it from north to south, but by Panama you would cross it from east to west, and therefore would be subjected to much greater inconvenience in point of comfort than the northern route.

The PRESIDENT: That is for passenger traffic.

Sir WILFRID LAURIER: Yes, I said for passenger traffic. I have only to add that if we can get the co-operation of His Majesty's Government, and of the Australian Government, Canada will back New Zealand as far as we can go.

With regard to Newfoundland, the suggestion made by Sir Edward Morris, that the steamers might call at Newfoundland, is a thing which I think might be left to

the Company which undertakes the service. If they can do so without inconvenience they will surely do so, but I think Sir Edward Morris will find it more conformable to his own interests if he confines his efforts to obtaining a better system, a better line of navigation than now plies between Canada and Newfoundland and Newfoundland and Canada. We have not a very large trade with Newfoundland from Canada but it is an increasing trade, and we hope it will continue to increase, and in this also I have only to say to Sir Edward Morris that we would be happy to respond to any call that is made upon us.

Mr. FISHER: As I read the resolution and understand Sir Joseph Ward and Sir Edward Morris in this matter, it is based on the principle of an All-Red route. That is the sentimental side that he wishes to impress upon this Conference. The practical side, of course, as I understand it, must stand on its merits. As far as the All-Red route is concerned, I see no distinction at all between a service between Australia *via* South Africa to the United Kingdom and a route from Australia and New Zealand to Canada and the United Kingdom. With regard to the other route *via* Ceylon, the Suez Canal, Malta, Gibraltar, and the United Kingdom, of course that may have its defects from the All-Red proposition, but it has much to commend it, and as regards speed from our point of view I think it is much better than anything we can get through Canada. I do not wish, and I ought not, to criticise a scheme of this kind which has been put forward in a resolution in general terms, but I understand the proposition is that ships that are to start from Vancouver, I suppose, and to touch at Victoria, are not then to touch at any other point until Fiji, a distance of 5,200 nautical miles. That is a distance which, speaking as a layman, I think will take a very skilful engineer to provide a ship to carry coal and go at 18 knots. But that is only by the way. All who have spoken, Sir Joseph at any rate and Sir Wilfrid, have gone over that route; I have had the privilege of going twice over it and all the ships so far as I know touch at Hawaii and therefore the All-Red character of that route is in no better position than even the Suez route. As Sir Joseph Ward has said we subsidise a line of steamers for speed communication between Australia and the United Kingdom. We give a substantial subsidy, but we cannot get an 18-knot service for that. We are prepared to give a very large subsidy indeed to get an 18-knot service, and while the matter is here in the resolution by suggestion, and by the statement of Sir Wilfrid that you can be assured of an 18-knot service across the Pacific, it is not for me to say that it is not possible, but I should like to see the contract or the proposition of any company which would undertake it for a reasonable subsidy. That is our difficulty. While in the fullest sympathy with this proposition we in Australia cannot see our way to accept it in the terms laid down, nor to go into it, nor agree to it in the abstract until we see the proposition. Further, if any one will turn up the trade from 1905 to 1910, and see Australia's position as regards trade with the United Kingdom, they will see from the amount of exports from the United Kingdom to all the Dominions, that Australia has increased more largely—by a larger aggregate increase—than any of the others; in other words their total amount of trade is an increase of one-third of the whole. I will give you the figures, they are very few, of the imports from the United Kingdom.

The PRESIDENT: From the United Kingdom to Australia?

Mr. FISHER: I will give them to you from the United Kingdom to Australia to begin with. Taking the years from 1905 to 1910 the increase was from 17 million pounds in 1905, to 27½ million pounds in 1910; South Africa was from 17 million pounds to 19½ million pounds; Canada, from 12½ million pounds to 20½ million pounds; and New Zealand from 6½ million pounds to 8½ million pounds. Then the total imports from South Africa rose from 5½ million pounds in 1905 to 10½ million pounds in 1910; Australia, 27½ million pounds in 1905 to 38½ million pounds in 1910; New Zealand, from 13½ million pounds in 1905 to 21 million pounds in 1910; and North America from 25 million pounds in 1905 to 26 million pounds in 1910. The total is 71 million pounds in 1905 and 96 million pounds in 1910. These are imports into the United Kingdom, so that there does not seem to be much the matter with the routes from Australia so far as the carrying of goods is concerned. As regards speed we are quite unable to see that the landing of mails would be greatly accelerated, and we are certain, so far as trade is concerned, that we cannot carry trade successfully by the route named. I think it will be admitted even by Sir Wilfrid Laurier and by Sir Joseph Ward that it is an impossibility to carry trade over practically 3,000 miles of railway. It is not a practicable proposition.

The PRESIDENT: Carrying goods you mean?

Mr. FISHER: Yes, I am speaking of trade of all kinds,—goods and chattels and wares, and I go further and say from my point of view, it is hardly a practicable proposition to carry even passengers from the disadvantage of landing and transport across the Continent, and then re-embarkation at the other side.

Sir WILFRID LAURIER: That is the beauty of it—you escape the sickness there.

Mr. FISHER: Of course, I am not speaking of people with plenty of means who are touring, because I presume the proposal is not to meet the convenience of mere tourists but for our purposes, for the purpose of emigration, and for the purpose of getting the people we desire to get to Australia, we desire a convenient safe, cheap, and the most speedy route we can get.

It is with some regret, of course, that I make these statements, not in any way hostilely to the proposition as a whole, but because I do not think it is practicable at the present time, with the limited amount of money we can afford to spend in an accelerated and improved steamship communication between the Commonwealth and the United Kingdom, to support the proposition. I repeat again, so far as the sentimental "All-Red" route proposition is concerned, it is no more all red than *viâ* South Africa who are now, we are all happy to say, entirely linked up with us and associated with us. Our destinies are inseparably linked up and bound up with each other, and there, of course, we have another all red through route. As to the other route, *viâ* the Suez Canal, I hope even that may be improved, at least cheapened and improved otherwise before the next Conference meets.

The PRESIDENT: That is your lowering of the tolls again.

Mr. FISHER: We are practically in the hands of the Government of the United Kingdom in that matter, and we shall not cease to press that proposition.

Sir JOSEPH WARD: The United Kingdom and France, too.

Mr. LLOYD GEORGE: And much more France. We are in the hands of the shareholders of the Suez Canal, which is rather a different thing.

Mr. FISHER: I do not wish to compromise ourselves in any way by using any hard words about a company which is run in commercial interests; I expect to bring this up again, but I think even the engineer who constructed it made a statement to the public as regards what would be a fair interest on the outlay, and after that he said the rate could be reduced.

Mr. MALAN: Although these resolutions which are submitted to the Conference deal only with the one suggestion of an "All-Red" route through Canada, the discussion has brought up two alternative plans or routes. The one is *viâ* Panama and the other *viâ* South Africa, and we were very pleased indeed to hear what the Prime Minister of Australia had to say on the question of the route *viâ* South Africa. It therefore seems to us that perhaps we would be prejudging the matter without sufficient information if these propositions were definitely accepted here to-day. We have therefore thought whether it would not be advisable to refer these resolutions, along with the suggestions which have been made, to this Imperial Commission to which we have agreed this morning. That would be our suggestion: instead of formally passing these resolutions to refer the resolutions, along with the suggestions which have been made, to this Commission.

Mr. LLOYD GEORGE: We had at the last Conference a resolution which committed us to the principle of an "All Red" Route. I was present at that Conference as President of the Board of Trade, and I was instructed by the Government to accept the resolution, and to try to find some practical means of putting it into operation. From the sentimental point of view I do not think there is any doubt in the minds of anyone that it would be exceedingly desirable. Anything that would bring the various parts of the Empire nearer together is, of course, a very desirable end in itself, but the difficulties are entirely practical, and they are very great. We did not treat that resolution merely as an expression of opinion. A committee was instantly formed, I think, by the Board of Trade. I think my Right Honourable friend the President of the Board of Trade, who was then at the Post Office, was a member, and we had the Colonial Office represented by Mr. Winston Churchill, and

we went into the matter at very considerable length. We took evidence. I wired to Sir Joseph Ward to ask him to give me the names of some gentlemen here who would represent the New Zealand point of view, and I think he furnished me with one or two names, and we sent for them and took their evidence with regard to the practicability of it, and the cost of it. We also had evidence from Canada, not all friendly. Sir Thomas Shaughnessy came and gave evidence; he expressed a desire to come and give evidence, and of course we said certainly, and he came, and his opinion was certainly not a friendly one according to my recollection. But we had evidence which was very favourable. We had the evidence of shipowners. We went into the cost of it and we found the difficulties were very great. The difficulties were not as great on the Atlantic side, where you have a volume of trade, but on the Pacific side they were almost insuperable. They were insuperable so far as a really fast service was concerned. We tried 11, 15, 16, 18, and 21 knots, and the 21 knots we found perfectly prohibitive on the Pacific side. Then we came to 18 knots, and we had to find out first of all what it would cost. We found that it would cost an enormous sum to run a fast service across the Pacific, but there was a difficulty about a coaling station which, as Sir Joseph Ward has pointed out, has to a certain extent been solved since then. Then came the question as to what we would get on the credit side. On the Atlantic route there was a very fair chance of making it pay in a few years' time, but on the Pacific side there was no prospect of making it pay. We should have had to depend entirely upon the passengers and mails. You could not really carry goods. The statement made by Mr. Fisher only yesterday, I think, is absolutely incontrovertible to anyone who has gone into the evidence; you cannot hope to carry goods across a route of this kind which involves a double transshipment. First of all you have to disembark your goods on Vancouver, put them on the trucks, run them across, and then re-embark them across the Atlantic. So that from the point of view of carrying goods it was perfectly impossible; we should have had to depend entirely upon passengers and upon mails. That would involve a very considerable loss on the Pacific side. I was instructed on behalf of the Government to say then that we were prepared within reasonable limits to meet Canada, New Zealand, and Australia to make up that deficiency. Then our difficulty was this—who was to undertake to bring the parties together and arrange the bargain, because it involved an agreement, not merely upon a general resolution, but on the details of a considerable business transaction between Canada, the United Kingdom, New Zealand, and Australia. I put that point indirectly to somebody who came from Canada to see me, and I said that somebody ought to be in the position of promoter. All that we could do would be to say that we are perfectly willing to come in, we are willing to subscribe, but we could not undertake, as it were, the promotion of the scheme, and somebody had to do that, I understood. Sir Wilfrid will correct me if I am wrong—that Canada said, "Very well, we will communicate with the other Dominions." Now that happened two or three years ago, and I have heard nothing ever since, so that nothing has been done. So that there are two difficulties, and the first is the preliminary difficulty of bringing the parties together to discuss the thing, and put it in a form in which the respective Governments can consider it. We have never been in that position up to the present, and it is perfectly clear that cannot be settled at a Conference like this, where so many other questions have to be discussed. It is a matter which will take weeks and even months of consideration. You have to have the opinion of shipowners upon it, to find out exactly what it costs, what a 16-knot service would cost, what an 18-knot service would cost, and what a 21-knot service would cost. That will take a very considerable amount of time and I would rather support the suggestion which has been made by Mr. Malan. A Royal Commission has been appointed this morning, I understand, to consider the question of trade relations between the various parts of the Empire, and I should have thought that a Commission of that kind, which would contain representatives of all the various Dominions and of the Mother country, could very well consider a proposition of this kind. It gave a general affirmation of the principle and as to its feasibility it might proceed to appoint a sub-committee to consider the details for working it out, but I should say in the first place it ought to be referred to this Commission to consider the feasibility of the proposal, and afterwards that Commission might very well appoint a sub-committee to consider the details of the scheme. That is the proposal I put forward.

Sir JOSEPH WARD: I do not agree with that proposal. After Australia's declaration of opposition to the Pacific Service, I think a Commission which is to

extend over all our countries, if this matter is referred to it, simply means deferring it. I would rather reconsider the whole position with a view to doing our own part across the Pacific, between Canada and New Zealand, letting everybody else do what they think proper. I look upon the proposal via the Cape, for instance, from either the Australian or the New Zealand point of view, with all due deference to my friends from South Africa, as being highly unsatisfactory from the passenger point of view, as it is a long and at times very rough voyage. I know that absolutely, and I do not want to get into the position, so far as I am concerned, of allowing a red herring to be drawn across the scent, especially with regard to what I conceive to be an impracticable proposition. So from the New Zealand point of view I should certainly not agree to that being included in the Commission's reference. I recognise, of course, that everybody has a right to his own view, but the course suggested would not suit New Zealand.

Mr. LLOYD GEORGE: If that is the view taken by the New Zealand Government I think there would be very little use in referring it to the Commission. I can quite see the reason why, because two at any rate of the elements in the Commission would come in with a hostile intent. I can see that it is not quite in the interest of South Africa to develop a route in the opposite direction, and one of the difficulties we have experienced before, as Sir Joseph knows, is, in connection with Australia, the rivalry between Melbourne and Sydney—at least that is my recollection.

Mr. FISHER: No, there is no rivalry.

Mr. LLOYD GEORGE: On the one route Melbourne would be touched first and on the other route Sydney would come first.

Mr. FISHER: That has no bearing on our position. Our position is that we must do the best for the people of Australia in the matter of trade and commerce. We are not putting it forward.

The PRESIDENT: What do you say, Sir Joseph?

Sir JOSEPH WARD: I want to say a word or two. I recognise the difficulties that stand in the way of a proposition for carrying on a service across two oceans separated by the great Dominion of Canada. If the Pacific section of this service had ever been prompted or promoted or suggested on the ground of carriage of goods across the Canadian continent, the point of Mr. Fisher's remarks would be absolutely indisputable, incontrovertible, but no such question of the carriage of goods has ever arisen so far as this All-Red service is concerned, and I want to point out that such an aspect of it has not been a governing one in the past at all. For 16 years Australia was a party to a contract across the Pacific and on through Canada and across the Atlantic to England, and if the disabilities that are suggested by Mr. Fisher now in connection with the All-Red route as regards cargo are to be put forward as a reason why we should not agree to it, then those same arguments existed during the whole of the 16 years when the Australian Government subsidised that service and carried it on without any such objections being raised. There is a very important aspect of this matter which requires to be remembered as between the Governments of Canada, Australia, and New Zealand, and that is the development of trade between these three Dominions. Independently of the conveying of mails and passengers across Canada and across the Atlantic to England, the development of the trade between the three Dominions themselves has always been an important factor in connection with the proposal to have a service established across the Pacific, while at the same time giving a through route across Canada and on to England.

That has been the case all through, and if I were asked to support this on the ground of its being the carrying of freight cargo to England, I should oppose it with very great determination because as a cargo service to England it would be absolutely useless and impracticable. But that idea was never intended, as far as I am aware, in connection with the carrying on of a service of this kind. And so with the mail routes, which have been referred to, by the Suez Canal. The steamers that carry the mails and passengers through the Suez Canal from Australia and which carry mails and passengers from New Zealand through the Suez Canal to the old country are not the carriers of the bulk of the freightage between Australia and England or between New Zealand and England, because we have all got our independent direct steam cargo services for which steamers have been specially built; refrigerating

steamers carry the bulk of our cargo trade quite independently of those subsidised steamers, which, to a very large extent, are mail and passenger steamers only; it is true they have some accommodation for perishable products. If we mix up a proposal of this kind with anything in the shape of a freightage service we get into a position that there is not the slightest use, in my opinion, of discussing the advisability of attempting to have fast steamships for mail and passenger purposes so as to draw the old country and the oversea countries closer together. If the view of any of the representatives is that we are to discuss it from the trade-carrying point of view, then we ought not to give our subsidies for carrying to traders at all, because there are hundreds of cheap and good tramp cargo steamers which will carry the cargo trade without subsidies, and as far as New Zealand is concerned we would not give anything for such services. I feel it necessary to say this, with reference to the development of cargo trade referred to by Mr. Fisher, that, with all due deference to him, I do not think it comes in. If it was a matter of the conveyance of freightage we were endeavouring to arrange the steamers for—

Mr. FISHER: I said emigrants.

Sir JOSEPH WARD: Yes, that is carried on now by your mail steamers.

Mr. FISHER: We could not ask the emigrants to disembark at one part of the continent and re-embark again. I have travelled there, and I speak of what I know. We cannot send women and children across the continent, and even if we are five days shorter we could not do it.

Sir JOSEPH WARD: The emigrants would go with the steamers trading through the Suez Canal to Australia in the ordinary way, and not across the Canadian continent.

Mr. FISHER: Or by South Africa.

Sir JOSEPH WARD: Yes, they could go that way, but generally speaking they would not.

Dr. FINDLAY: How do they go now?

Mr. FISHER: Partially the one way and partially the other, but mostly through the Suez Canal.

Sir JOSEPH WARD: I say that if we attempt to mix a proposal of this kind up with the idea of freightage or emigrants going across Canada, I do not think the service across the Canadian continent would meet those two points at all; I have never thought so, but if we are to develop and improve trade between Canada, Australia, and New Zealand, and to give a through fast mail and passenger service across the Canadian continent and across the Atlantic to England, in my opinion there is a great deal to be said, even upon sentimental grounds, for what is being proposed by me. I want to make my position quite clear with regard to the suggestion which has been made by Mr. Malan for referring this question to the Royal Commission, and I want to put on record why I object to that. It seems to me that where there are subsidised steamers now trading between England and Australia and between England and South Africa and between England and India, they have their contracts in hand and have their service to a large extent on the lines they require, but when a proposal is made which is required, certainly from the New Zealand standpoint and the Canadian standpoint, to suggest that it should be remitted to a Commission composed of representatives from two countries at this Conference, the interest in our particular service would only be an indirect one as far as they are concerned, and in view of the attitude of my friend, Mr. Fisher, regarding the Canadian Pacific service, and South Africa's advocacy of another route, it would be obviously a very foolish thing for the advocates of the All-Red route across Canada to New Zealand from the old country if a proposal of the kind was referred to a Commission of such a composition as I have mentioned. As against the proposition and I prefer infinitely, whatever the effect of this resolution may be, to commence to consider the desirability of recasting what we have been trying to do for years. I should prefer to work with the Canadian Government entirely as far as the Pacific is concerned, and if they are prepared to assist in establishing a faster mail and packet service direct with New Zealand, and from New Zealand direct with Canada, I should be prepared to supplement the amount we are paying now to enable that to be done. For friendly reasons and business reasons I should like very much to see Australia fall in with the Canadian Pacific service. There is no doubt

about it, it has worked very well in the past. We have never envied them the collateral advantages of a service of the kind to Australia, because we have been simply a touching point, and whatever benefits have been derived of a material character, it is Australia that has had them, and not New Zealand, right through. In the case of the San Francisco service it was the same. We gave a large subsidy in comparison with what Australia gave, but we took not the slightest objection to their having their final port in Sydney and allowing the provisions, coaling, docking, and repairs, and all the expenditure to be made there. The benefit in that case was to Australia, although New Zealand was giving the greater proportion of the subsidy with the United States of America. From the friendly standpoint of the two countries being so close together, I should like to say, then, even now, deal with the Pacific alone, allowing Canada and the United Kingdom to look after the Atlantic themselves, concerning which it is said by Mr. Lloyd George that there are not so many difficulties as there are in the Pacific. For my part, I should be quite prepared to let the United Kingdom and Canadian Government look after the Atlantic proposals themselves, and in turn with the Canadian Government, if they are prepared to co-operate with New Zealand, to look after the other end ourselves. It seems to me that the difficulty which Mr. Lloyd George has suggested as to who was going to be the party to put into operation a scheme of this sort between scattered countries stands in the way distinctly, but if we are to wait until we are able to get the divided countries to come together on a point of that kind, the Pacific end of it is going to suffer, and it is the Pacific end that I am now concerned in. I believe it would be better for Canada and New Zealand to do that end ourselves, though I should like to see Australia joining with us both in the matter.

Mr. FISHER: If the Conference will allow me, I do not want Sir Joseph to be under any misapprehension regarding our position. We are not in antagonism to New Zealand nor to the Dominion of Canada; we are in hearty sympathy and co-operation with Canada, and, as he has stated, Queensland in the very early days subsidised a steamship line between Brisbane, Sydney, and Vancouver, and ran it for a long time. We have continued it up till lately. The present reciprocal arrangements between Canada and New Zealand give New Zealand a distinct advantage over the Commonwealth of Australia, and that is the reason why we are not co-operating in the present arrangement. The negotiations were closed by the two Dominions within their own rights about which we can make no complaint, nor can New Zealand nor Canada make any complaint that we have not come into that. Further, as my colleague reminds me, we have not closed the proceedings, and we might have a line of steamers either to Canadian ports or to the United States ports or to any other ports convenient for our trade to carry our goods and mails.

The other point is that previously this proposition, to my mind, was submitted to this Conference as a mail route largely—for speedy mail communication. The proposition to-day names a line of steamers of 10,000 tons, which obviously means not mail and passengers steamers only; the tonnage, I mean, puts it out of consideration that they would be run for mails and passengers across the Pacific. That is the reason I did not want to go into it. I took it rather from the actual words of the resolution than from what was said that it meant "That, for the purpose of carrying the above desideratum into effect, a mail service be established on the Pacific, between Vancouver, Fiji, Auckland, and Sydney, by first-class steamers of not less than 10,000 tons" (it will be noted that from Vancouver to Fiji I dealt with before, and I need not deal with it again; that seems an impossible distance) "and capable of performing the voyage at an average speed of 16 knots." That is a greater speed than we can get from our Orient mail steamers at present running with their ships full, carrying passengers and touching at all the ports en route. I want to assure Sir Joseph and the representative of the Dominion of Canada that there is no unfriendly feeling in Australia to Canada. It is a matter of business, and there is very little sentiment in business when we are dealing with the affairs of our own countries.

The PRESIDENT: Do you desire to take the opinion of the Conference, Sir Joseph?

Sir JOSEPH WARD: I desire to take the opinion of the Conference on at least a part of this resolution. I want, without taking up the time of the Conference further, to make it perfectly clear that I do not regard anything Mr. Fisher has said

as unfriendly to New Zealand, and I am sure he does not regard anything that I have said as unfriendly to Australia.

Mr. FISHER: It is a business question.

Sir JOSEPH WARD: Yes, and it is as a business proposition that I am urging it. The service running from Vancouver to Australia for the last 16 years was a service established by me with the Canadian Government in Ottawa in 1895 to run between Vancouver, New Zealand, and Australia. I went to Canada specially and arranged it when there, but owing to difficulties that cropped up New Zealand was finally left out and the service touched Brisbane instead, Sydney remaining the final port as I first arranged. Owing to the impossibility of Brisbane and Sydney being included as ports of call in Australia, New Zealand had to remain out 16 years. The Commonwealth Government recently wanted Brisbane continued besides Sydney, but it was an impossibility owing to geographical disabilities which exist on the Australian side to call at New Zealand too, and we are anxious to have that service continued, calling at New Zealand and Sydney only, as I have just indicated.

After the discussion I propose to amend the resolution by leaving out the second paragraph, and I therefore move: "That in the interests of the Empire it is desirable that Great Britain should be connected with Canada, and, through Canada, with Australia and New Zealand, by the best mail service."

The PRESIDENT: I should think that would be unanimously agreed to. There is no objection to that, Mr. Fisher?

Mr. FISHER: No.

Sir EDWARD MORRIS: After the word "Canada" add "and Newfoundland."

The PRESIDENT: Certainly, after the first "Canada."

Sir EDWARD MORRIS: Then my motion may be withdrawn.

The PRESIDENT: That is unanimously carried.

(3)

RESOLUTION XXIV.

UNIFORMITY OF LAW AS TO ALIEN IMMIGRATION EXCLUSION.

That it is in the best interests of the Empire that there should be more uniformity throughout its centres and dependencies in the law of alien immigration exclusion, and that it is therefore desirable that it should be referred to the Royal Royal Commission recommended by the Imperial Conference.

(4)

EXTRACT FROM PROCEEDINGS OF THE 11TH DAY.

12. UNIFORMITY IN IMMIGRATION AND ALIENS EXCLUSION LAW.

That it is in the best interests of the Empire that there should be more uniformity throughout its centres and dependencies in the law of immigration, alien exclusion. June 19.

CHAIRMAN: Do you wish to move Resolution No. 12 now, Sir Joseph, or is it sufficiently covered by the discussion we have had?

Sir JOSEPH WARD: With the concurrence of the Conference, I would be glad if Resolution No. 12 were altered slightly. Before the word "immigration" in the last line I would like to put in the word "alien" and strike out the word between "immigration" and "exclusion." It would read then: "That it is in the best interests of the Empire that there should be more uniformity throughout its centres and dependencies in the law of alien immigration exclusion." I desire

that to be referred to the Commission to which the Conference has agreed, in order that they may inquire into it as they move around the Dominions.

CHAIRMAN: That would be a very reasonable method of dealing with this subject. It is obviously one of much detail and could well be considered on the spot when the Commission is moving round the Empire. Is that agreed to by the Conference?

Mr. FISHER: Quite. May I say, as you are referring to it, that the words should be "it is desirable." It is very much too mandatory otherwise.

Sir JOSEPH WARD: "And it is therefore desirable that it be referred to the Royal Commission."

Mr. FISHER: I think so, it softens the blow a bit.

CHAIRMAN: You would put in: "And it is therefore desirable that it be referred to the Royal Commission."

[AGREED.]

(RESOLUTIONS XXI. & XXII.): MAIL COMMUNICATION; TRADE AND POSTAL COMMUNICATIONS AND SHIPPING CONFERENCE; OR COMBINES.

13017

No. 401.

COLONIAL OFFICE to BOARD OF TRADE and GENERAL POST OFFICE.

(Confidential.)

SIR,

Downing Street, 1 May, 1911.

WITH reference to [the letter from this Office of the 15th December last*] [your letter of the 21st of April†], I am directed by Mr. Secretary Harcourt to transmit to you, for the information of the [Board of Trade] [General Post Office], six printed copies of memoranda by the Board of Trade and the General Post Office on the subject of the All Red Route.

2. I am to add that copies of these memoranda have been communicated to the Governments of Canada and Newfoundland and to Sir Joseph Ward and to Dr. Findlay, the New Zealand Representatives at the Imperial Conference, and that copies will be sent to the representatives of the other Dominions on their arrival in this country.

3. Copies of the [Board of Trade] [General Post Office] memorandum have also been sent to the [General Post Office] [Board of Trade].

I am, &c.,

H. W. JUST.

18751

No. 402.

AGREEMENT BETWEEN THE GOVERNMENT OF CANADA AND THE UNION STEAMSHIP COMPANY OF NEW ZEALAND, LIMITED.

(Received from the High Commissioner for Canada, June 9, 1911.)

Contract No. 27½

File No. 12125.

Expires August 1, 1916.

ARTICLES OF AGREEMENT made this fifteenth day of January in the year of our Lord One thousand nine hundred and eleven BETWEEN THE HONOURABLE THE MINISTER OF TRADE AND COMMERCE OF THE DOMINION OF CANADA (hereinafter referred to as "The Minister," which expression shall include the Minister of Trade and Commerce of the said Dominion for the time being) acting for and on behalf of His Majesty, of the one part, AND THE UNION STEAMSHIP COMPANY OF NEW ZEALAND, LIMITED, an incorporated Company carrying on business in the Dominion of New Zealand and in the Commonwealth of Australia and elsewhere (hereinafter referred to as "The Contractors"), of the other part: WITNESSETH that for and in consideration of the covenants, agreements, stipulations, and reservations hereinafter contained on the part of His Majesty, the contractors for themselves and their successors or assigns do covenant and agree to and with His Majesty, His heirs and successors, in manner and form and to the effect following, that is to say:—

1. The Contractors will provide, establish, and, during the period of five years calculated as and from the first day of August One thousand nine hundred and eleven, maintain, continue, and carry on in the manner hereinafter set forth a regular steamship service between the city of Vancouver in the Province of British Columbia and the city of Auckland in the Dominion of New Zealand, calling at the outer wharf in the city of Victoria in the said Province of British Columbia, Honolulu in the Sandwich Islands, and Suva in the Fiji Islands on both outward and homeward voyages from Vancouver to Auckland and from Auckland to Vancouver. Provided, however, that if so required by the Minister each voyage from Canada to New Zealand shall be extended to a port or ports in Australia.

Route.

* 306 in Dominions No. 19.

† Transmitter of Enclosure 2 in No. 307 in Dominions No. 19.

‡ Enclosures in No. 307 in Dominions No. 19.

Steamships.

2. The steamships "Makura," "Marama," "Zealandia," or such other steamships of not less than an equal number of tons gross tonnage to be approved by the Minister for that purpose shall be regularly and continuously employed in the said service. Each of the said steamships is warranted to have the most approved triple expansion machinery refrigerators for the ship's use, duplicate electric light engines, special ventilation for tropical voyages, ample saloon and cabin accommodation for at least one hundred and thirty passengers, and to be provided with every comfort and convenience that is to be found in the best Atlantic liners of its size. Each of the said steamships is further warranted to be of the highest class at Lloyds and to comply in every respect with the requirements of the Marine Acts or Regulations of Canada, and each of the said steamships shall, during the continuance of the Agreement, be at all times tight, sound, staunch, and strong, and well and sufficiently manned, victualled, and equipped, and in every respect seaworthy, and shall further at all times during the continuance of this Agreement retain the qualification and class which it is hereinbefore warranted to possess.

Voyages.

3. The round trip for each of the said steamships shall begin and end at Vancouver, in the Province of British Columbia, calling as aforesaid at the outer wharf in the City of Victoria, Honolulu, and Suva on each and every voyage as aforesaid. The first voyage in performance of this Agreement shall commence and be made from Vancouver four weeks from the date of the last departure from Vancouver of one of the Company's steamships under the supplementary contract expiring on the first day of August in the present year, and subsequent voyages after the first shall commence and be made from Vancouver aforesaid on dates and at times to be from time to time appointed for that purpose by the Minister. The duration of each voyage from Vancouver to Auckland and from Auckland to Vancouver shall not exceed twenty days, including one day's detention at Honolulu on each voyage, both outward and homeward.

Service to be four-weekly.

4. The said service shall be four-weekly and the said steamships shall leave the said ports of Vancouver and Auckland on the days and at the time to be from time to time appointed for that purpose by the Minister, after consultation with the Postmaster-General of New Zealand. Each voyage shall be deemed to commence as soon after the completion of the embarkation of the mails intended to be thereby conveyed as, having regard to practical considerations, the anchor of such vessel can be weighed or the vessel can be loosed from its moorings; and each such voyage shall be deemed to be completed when the vessel has arrived and been anchored or moored at some position in the port of destination from which the mails can be conveniently disembarked; and the times of the commencement and completion of every voyage shall be ascertained and recorded by the officers of the Minister in pursuance of arrangements to be made from time to time by him for such purpose, and the decision of the Minister as to all questions relating to any such times or periods shall be final and conclusive.

Foreign ports.

5. The said steamships shall not, during the continuance of this contract, call at any port in or of the United States of America (Honolulu only excepted).

Freight and passenger rates.

6. The said steamships shall, each according to its capacity, carry, both outward and homeward, all the freights and passengers which may be reasonably offered and obtained and at tariff rates both as to passengers and freights which shall be approved by the Minister and after consultation with and approval of the Government of New Zealand.

No discrimination.

7. No discrimination shall be made as regards tariff rates for either freights or passengers in any manner directly or indirectly against any Canadian ports or against any Canadian Railway or Railway Company or against any Canadian merchants or shippers, but Canadian merchants and shippers shall at all times have preference for the carriage of their goods over other merchants and shippers as far as regards the Canadian connection.

Mails.

8. During the continuance of this Agreement the said steamships shall, at the cost and expense of the said Contractors, receive and carry on each and every voyage all such mails as shall or may be tendered for conveyance to the said steamships or to the masters or any officers on board of the same at the ports of Vancouver and Victoria aforesaid, by or on behalf or under the direction of the Minister for the time being, his officers, agents, or servants, and shall deliver such mails at their proper ports of destination upon the sailing route of the said steamships as herein indicated, and in order to the due and proper performance of this covenant the said steamships shall each be provided with sufficient and convenient accommodation and protection for all such mails to the satisfaction of the Minister for the time being;

and the Contractors shall further take all reasonable and necessary precautions for the protection of such mails while upon the said steamships from loss, damage, or injury in any way, and shall be responsible for any loss or damage thereto caused by the negligence or want of proper care or accommodation on the part of the Contractors or their Agents or servants or on the part of the officers or employees or crew on board of the said steamships.

9. The Contractors shall provide, to the satisfaction of the Minister, all the necessary and suitable accommodation, including lights, for the purpose of sorting and making up the mails on board the several vessels employed under this Agreement, and on being required to do so by the Minister shall at their own cost erect or set apart in each of the said vessels on the spar deck a separate and convenient room for such purposes, and all the furniture, lamps, fittings and other conveniences in and about such room shall be from time to time cleansed and kept in repair and the oil for the lamps supplied by the servants, and at the cost, of the Contractors. The master or commander of each of the said vessels shall also, if required, provide assistance for conveying the mails between the mail room and the sorting room and also render such other assistance as may from time to time be needed without charge.

Accommodation for sorting mails

10. If the Minister shall think fit to entrust the charge and custody of the mails to the master or commander of any vessel to be employed under this Agreement and in all cases where the officer or other person appointed to have charge of the mails shall be absent to the knowledge of the master or commander of such vessel, such master or commander shall, without any charge, take due care of, and the Contractors shall be responsible for, the receipt, safe custody, and delivery of the said mails at the several appointed places on shore in the respective ports as part of the services hereby contracted to be rendered. The master or commander shall also make the usual Post Office declaration and furnish such journal, returns, and other information and perform such other services as the Minister or his officers shall from time to time reasonably require.

Custody of mails.

11. The Contractors and all commanding and other officers in charge of the vessels employed under this Agreement shall at all times punctually attend to the orders and directions of the Minister or his officers or agents as to the mode, time, and place of landing, transshipping, delivering, and receiving the mails, subject to the special provisions herein contained, and so far as such orders and directions are reasonable and consistent with the safety of the vessels.

Landing of mails.

12. The Contractors shall provide suitable first-class accommodation, including a cabin or state-room, for the exclusive use of an officer or agent of the Minister and for one assistant to the aforesaid officer or agent on board each of the vessels employed under this Agreement, who shall be at liberty to use such accommodation as may be required and such officer or agent and assistant shall be victualled by the Contractors as chief cabin passengers without charge either for their passage or victualling, and whilst the vessel stays at any port excepting the ports of Vancouver and Auckland to and from which the mails are conveyed such officer, agent, and assistant shall be allowed to remain on board and shall be victualled as aforesaid.

Government official.

13. Every such officer or agent and assistant shall be recognised and treated by the Contractors, their officers and agents, as the agents of the Minister and as having full authority in all cases to require a due and strict performance of this Agreement; provided that no such officer, agent, or assistant shall have power to control or interfere with any master, commander, or officer in the performance of his duty and every such officer, agent, and assistant shall be subject to all general orders issued by the master or commander for the good order, health, and comfort of the passengers and crew, and safety of the said vessels.

Recognition of Government official as Minister's agent.

14. The expense of conveying mails to and from the said steamships or vessels from or to the Post Offices at the terminal ports of the several voyages or at the ports at which the said vessels call en route shall be borne by the Contractors.

Expense of conveying mails.

15. The Minister shall, in case of need, and for the purpose of duly forwarding such mails as may be required, have the right to delay the sailing of any of the said steamships for the space of twenty-four hours, but in no case shall the Minister exercise the right hereby conferred after the delivery on board such steamships in the ports of Vancouver and Victoria of the mails from Canada and other places intended for conveyance thereby, which mails shall be delivered on board with all reasonable despatch.

Minister may delay sailings.

16. The expression "Mails" for the purpose of this Agreement shall be deemed to mean and include all boxes, bags, or packets of letters, post cards, newspapers, parcels, books, or printed matter, and all other articles which, under the Post Office

Definition of mails.

IN WITNESS WHEREOF the Right Honourable Sir Richard J. Cartwright, P.C., G.C.M.G., the Minister, hath hereunto set and affixed his hand and seal as such Minister and the Common Seal of the Union Steamship Company of New Zealand has been hereunto affixed on the day and year first above written.

Signed, sealed, and delivered by the said Minister in the presence of:

The Common Seal of the Union Steamship Company of New Zealand Limited hereunto affixed in the presence of:

23629

No. 403.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 640.) (New Zealand. No. 264.)
(Australia. No. 333.) (Newfoundland. No. 179.)
(Union of South Africa. No. 370.)

[My LORD,] [SIR,]

Downing Street, 2 August, 1911.

WITH reference to my despatch, No. [153] [108] [113] [81] [44], of the 6th of March,* I have the honour to transmit to [Your Excellency] [you], for the information of your Ministers, copy of a resolution passed at the Imperial Conference, on the subject of the promotion of trade and postal communications between Great Britain and the overseas Dominions.

I have, &c.,
L. HARCOURT.

Enclosure in No. 403.

XXII. TRADE AND POSTAL COMMUNICATIONS AND SHIPPING CONFERENCES OR COMBINES.

That concerted action be taken by all Governments of the Empire to promote better Trade and Postal Communications between Great Britain and the overseas Dominions, and in particular to discourage Shipping Conferences or Combines for the control of freight rates between the various portions of the Empire, in so far as the operations of such Conferences are prejudicial to trade.

* No. 158 in Dominions No. 19.

(RESOLUTION XXIV): UNIFORMITY OF LAW AS TO ALIEN IMMIGRATION EXCLUSION.

23631

No. 404.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

[Copy to Foreign Office and Home Office, 29 July. L.F.]

(Canada. No. 621.) (New Zealand. No. 256.)
(Australia. No. 322.) (Newfoundland. No. 171.)
(Union of South Africa. No. 355.)

[My LORD,] [SIR,]

Downing Street, 28th July, 1911.

WITH reference to my despatch, No. [203] [147] [146] [118] [74] of the 24th of March,* I have the honour to transmit to [Your Excellency] [you], for the information of your Ministers, copy of the resolution passed at the Imperial Conference on the question of the exclusion of alien immigration.

2. The matter will in due course be referred to the Royal Commission which is to be set up in accordance with a resolution of the Conference.

I have, &c.,
L. HARCOURT.

Enclosure in No. 404.

XXIV. UNIFORMITY OF LAW AS TO ALIEN IMMIGRATION EXCLUSION.

That it is in the best interests of the Empire that there should be more uniformity throughout its centres and dependencies in the law of alien immigration exclusion, and that it is therefore desirable that it should be referred to the Royal Commission recommended by the Imperial Conference.

23631/11

No. 405.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL OF CANADA, AUSTRALIA, AND THE UNION OF SOUTH AFRICA, AND THE GOVERNORS OF NEW ZEALAND AND NEWFOUNDLAND.

(Sent 1.40 p.m., June 19, 1912.)

TELEGRAM.

[Answered by Nos. 406 and 407.]

My despatch [621] [322] [355] [256] [171], 28th July (1911).† Royal Commission has been considering question of alien immigration legislation. United Kingdom members are ready, if necessary, to deal with it, but Dominion members appear to consider it better to leave it alone. In these circumstances should be glad to have views of your Ministers by telegraph. We are quite prepared to omit it if desired.
—HARCOURT.

* No. 462 in Dominions No. 19.

† No. 404.

19333

No. 406.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 12.57 p.m., 22nd June, 1912.)

TELEGRAM.

22nd June. Your telegram of 19th June.* Ministers consider that reference of question of alien immigration legislation in the Dominions to the Royal Commission would lead to great difficulties. They therefore regret they cannot concur in the reference of this question to the Commission.—GLADSTONE.

19922

No. 407.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 9.44 a.m., 27th June, 1912.)

TELEGRAM.

Your telegram of 19th June,* Royal Commission. In view of your despatch, No. 127, 20th April,† my Government do not consider it necessary that question of alien immigration should be discussed.—ISLINGTON.

* No. 405.

† No. 140.

21.

(RESOLUTION XXV.): MUTUAL ENFORCEMENT OF JUDGMENTS AND ORDERS OF COURTS OF JUSTICE, INCLUDING JUDGMENTS AND ORDERS AS TO COMMERCIAL ARBITRATION AWARDS.

27169

No. 408.

BOARD OF TRADE to COLONIAL OFFICE.

(Received 18 August, 1911.)

[Answered by No. 409.]

Board of Trade (Commercial Department), Gwydyr House,

Whitehall, London, S.W., 17th August, 1911.

SIR,

I AM directed by the Board of Trade to advert to the memorandum and draft Resolution* placed before the recent Imperial Conference at the instance of this Department relating to the question of commercial arbitration awards.

The Board are aware that the Resolution referred to was approved by the Committee of the Conference in the form in which it had been originally proposed, but that when brought before the full Conference afterwards it was moved in an amended form by the Attorney-General, and in that form was adopted by the Conference. The Resolution as adopted has in view not only the mutual enforcement of awards in commercial arbitrations, but also the enforcement in one part of the Empire of judgments and orders of Courts of Justice given in another part.

It seems clear that before any communication can properly be made to the Dominion Governments with regard to the Resolution in its final shape it will require to be considered by the Department of the Lord Chancellor, and I am accordingly to suggest, for Mr. Secretary Harcourt's consideration, that the Lord Chancellor's Secretary should now be consulted not only as to the nature of the proposals to be submitted to the Dominion Governments in this connection, but also as to the preliminary steps which it may be necessary to take in this country in order to give effect here to the proposals contained in the Resolution.

The Board would be glad to be informed in due course of the views of the Lord Chancellor with regard to the matter, and of any action which may be taken in accordance with his recommendation.

I have, &c.,

GEO. J. STANLEY.

27169

No. 409.

COLONIAL OFFICE to BOARD OF TRADE.

Downing Street, 23 August, 1911.

SIR,

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 17th of August,† on the subject of the resolution passed at the Imperial Conference with reference to the mutual enforcement of judgments and orders of Courts of Justice in the several parts of the Empire.

2. In reply, I am to request that you will inform the Board of Trade that Mr. Harcourt is in communication with the Lord Chancellor on the subject, and that a further letter will be addressed to you when Lord Loreburn's views are known.

I am, &c.,

H. W. JUST.

27169

No. 410.

COLONIAL OFFICE to THE LORD CHANCELLOR.

Downing Street, 23 August, 1911.

SIR,

I AM directed by Mr. Secretary Harcourt to request that you will invite the attention of the Lord Chancellor to the discussion of the question of the mutual enforcement of judgments and orders of Courts of Justice between the Courts of

the United Kingdom and the Courts of the Oversea Dominions, which took place at the Imperial Conference (see pages 160-162, 326-332, 424, 425 of [Cd. 5745]). The discussion arose out of a proposal put forward by the Board of Trade with regard to the enforcement of Commercial Arbitration Awards, and a memorandum on this question will be found printed at pages 129-137 of [Cd. 5746-1]. Copies of these papers are enclosed herewith for convenience of reference.

2. In view of the wide terms of the resolution as finally arrived at, the Board of Trade consider that, before any communication can properly be made to the Dominions Governments with regard to the resolution, it is desirable that the matter should be examined in the Department of the Lord Chancellor, with a view to ascertaining not only the nature of the proposals which should be submitted to the Dominions Governments in this connection, but also as to any preliminary steps which it may be necessary to take in this country in order to give effect here to the proposal contained in the resolution.

3. Mr. Harcourt will, therefore, be glad if the matter can be brought under the notice of the Lord Chancellor, and if he can be favoured in due course with an expression of Lord Loreburn's views on the question raised.

I am, &c.,
H. W. JUST.

4279

No. 411.

THE LORD CHANCELLOR to COLONIAL OFFICE.

(Received 10 February, 1912.)

SIR,

House of Lords, S.W., 9th February, 1912.

I AM directed by the Lord Chancellor to acknowledge the receipt of your letter of the 7th instant (739/1912),* and to request you to be good enough to inform the Secretary of State that the Lord Chancellor sees no objection to the enclosed draft despatch† which it is proposed to send out.

His Lordship observes that the expression "commercial awards" does not convey any very definite meaning; it might be well to invite the Colony to say how they interpret the words, and how they would provide the authority for confirming any such awards.

The Lord Chancellor thinks that the Statutes of this country for mutual enforcement of judgments do not include awards, which, indeed, are frequently set aside.

He would further suggest that, if Imperial legislation is to follow, provision should be made so that any necessary modifications and restrictions may be introduced by Order in Council to meet the differences which may appear in the practice of the several Colonies.

I am, &c.,
K. MUIR MACKENZIE.

4279

No. 412.

COLONIAL OFFICE to BOARD OF TRADE.

[Answered by No. 413.]

SIR,

Downing Street, 22 February, 1912.

WITH reference to the letter from this Department of the 23rd August last,‡ I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Board of Trade, copies of correspondence§ with the Lord Chancellor regarding the measures to be taken to give effect to the Resolution of the Imperial Conference in favour of the mutual enforcement of judgments, &c., of Courts throughout His Majesty's dominions.

I am also to enclose the draft of a despatch which Mr. Harcourt proposes to address to the Governors of the self-governing Dominions and of the Australian

* Not printed. † See No. 414. ‡ No. 409. § No. 410, 739: not printed, and No. 411.

States. This draft was referred to the Lord Chancellor, and in view of the suggestions in his letter of the 9th instant,* Mr. Harcourt proposes to make the addition shown in red ink† in the third paragraph of the draft.

Mr. Harcourt would be glad to receive any observations which the Board may desire to offer on the draft.

I am, &c.,
H. W. JUST.

Enclosure in No. 412.

DRAFT DESPATCH to the DOMINIONS.

[See No. 414.]

3. I have, therefore, to request that your Ministers will be so good as to take the matter into their consideration, and to inform me whether they are prepared to accept the principle recommended by the Imperial Conference, and, if so, to favour me with any suggestions which they may have to make as to the exact terms of the Bill which it will be necessary to introduce into the Imperial Parliament, *and more particularly as to what class of Arbitration Awards it is proposed to place in the same position with judgments as regards the effect to be given to them in this country.* The conditions on which Judgments are now enforced as between England, Scotland, and Ireland are laid down in the Imperial Act 31 & 32 Vict., C. 54, copies of which are enclosed for convenience of reference.

7627

No. 413.

BOARD OF TRADE to COLONIAL OFFICE.

(Received 12 March, 1912.)

[Copy sent to Lord Chancellor, 20 March, 1912.]

[Answered by L.F. transmitting copy of No. 414.]

Board of Trade (Commercial Department),
Gwydyr House, Whitehall, London, S.W.,

SIR,

11th March, 1912.

I AM directed by the Board of Trade to acknowledge the receipt of your letter of February 22nd (No. 4279),‡ forwarding copy of correspondence which has passed between your Department and the Lord Chancellor with regard to the resolution of the Imperial Conference of 1911 on the subject of the enforcement of Judgments, &c., of Courts within the Empire.

The suggestion in the Lord Chancellor's letter of February 9th* that the Dominions might be invited to say how they interpret the words "commercial awards" would seem to be the result of a misapprehension, viz., that the resolution so far as it concerns such awards was brought before the Imperial Conference on behalf of the Dominions, whereas, in fact, it emanated from His Majesty's Government as a substantive proposal. It would accordingly seem preferable that the Dominion Governments should be furnished with, rather than asked to suggest, any explanation of the words in question that may be deemed necessary.

In the Circular despatch addressed from your Department to the Officers Administering the Dominions, a copy of which accompanied your letter of April 26th, 1909 (No. 12960),§ information as regards the enforcement of commercial awards in these Dominions was asked for in the form of a reply to two questions which had been submitted to the Board by the Association of Chambers of Commerce of the United Kingdom. From these questions it would appear that the awards which the Association had in mind were *awards given in arbitrations respecting disputes arising out of commercial contracts.*

The Board would accordingly suggest, for Mr. Harcourt's consideration, that it might be well to amend the draft despatch copy of which formed one of the enclosures in your letter under reply by the substitution of the above underlined

* No. 411.

† Shown in italics.

‡ No. 412.

§ Not printed.

words for the words "arbitration awards" in paragraph 2 of the draft, and by the omission of the passage in red ink in paragraph 3.

I have, &c.,
GEO. J. STANLEY.

739

No. 414.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

[Copy to Board of Trade and Lord Chancellor, 29 March, 1912. L.F.]

(Canada. No. 218.)	(Western Australia. No. 37.)
(Australia. No. 138.)	(Tasmania. No. 32.)
(New South Wales. No. 45.)	(Union of South Africa. No. 153.)
(Victoria. No. 39.)	(New Zealand. No. 95.)
(Queensland. No. 39.)	(Newfoundland. No. 59.)
(South Australia. No. 35.)	

SIR,
MY LORD,

Downing Street, 27 March, 1912.

I HAVE the honour to transmit to [Your Royal Highness] [Your Excellency] [you], for the consideration of your Ministers, the accompanying copy of a Resolution, which was passed by the Imperial Conference in 1911, in favour of the mutual enforcement of judgments and orders of courts of justice, including judgments and orders as to commercial arbitration awards. The discussion of the question will be found reported at pages 160-162, 326-332, 424 and 425 of the Minutes of Proceedings of the Imperial Conference (Cd. 5745).

2. His Majesty's Government have given careful consideration to the Resolution passed by the Conference, and they have come to the conclusion that with a view to carrying this Resolution into effect they would be prepared to introduce into the Imperial Parliament legislation to provide for the enforcement of judgments of the Superior Courts of the self-governing Dominions, States, and Provinces in the Courts of the United Kingdom, on the same principles as are now applied to the enforcement of judgments of the Superior Courts of England, Scotland, and Ireland in other parts of the United Kingdom. They would propose also to include in the measure for this purpose the case of awards given in arbitrations respecting disputes arising out of commercial contracts which have been delivered by Courts in the Dominions, States, or Provinces, or which, under the legislation of the Dominions, States, or Provinces have the force of orders of court. The Bill would, it is proposed, contain general provisions, and a clause providing for its application with or without modifications to any self-governing Dominion, State, or Province by Order in Council, on the Secretary of State being satisfied that adequate provision existed under the law of that Dominion, State, or Province, for the enforcement of judgments given by the Superior Courts of the United Kingdom.

3. I have, therefore, to request that your Ministers will be so good as to take the matter into their consideration, and to inform me whether they are prepared to accept the principle recommended by the Imperial Conference, and, if so, to favour me with any suggestions which they may have to make as to the exact terms of the Bill which it will be necessary to introduce into the Imperial Parliament. The conditions on which judgments are now enforced as between England, Scotland, and Ireland are laid down in the Imperial Act 31 & 32 Vict., C. 54, copies of which are enclosed for convenience of reference.

[To Australia only. 4. A despatch in similar terms has been addressed to the Governors of the Australian States, in view of the fact that this is a matter which directly concerns the State Governments in so far as the enforcement of judgments and orders of the Courts of the States are concerned.]

I have, &c.,
L. HARCOURT.

Enclosure in No. 414.

XXV.

MUTUAL ENFORCEMENT OF JUDGMENTS AND ORDERS OF COURTS OF JUSTICE, INCLUDING JUDGMENTS AND ORDERS AS TO COMMERCIAL ARBITRATION AWARDS.

That the Imperial Government should consider in concert with the Dominion Governments whether, and to what extent, and under what conditions, it is practicable and desirable to make mutual arrangements with a view to the enforcement in one part of the Empire of judgments and orders of the courts of justice in another part, including judgments or orders for the enforcement of commercial arbitration awards.

16276

No. 415.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received May 27, 1912.)

[Copy to Lord Chancellor and Board of Trade, 13 June, 1912. L.F.]

(No. 294.)

SIR,

Government House, Ottawa, 15 May, 1912.

WITH reference to your despatch, No. 218, of the 27th March,* on the subject of a Resolution passed by the Imperial Conference in 1911 in favour of the mutual enforcement of judgments and orders of courts of justice, including judgments and orders as to commercial arbitration awards, I have the honour to transmit, herewith, for your information, copies of an approved minute of the Privy Council for Canada, setting forth the views of my responsible advisers.

I have, &c.,
ARTHUR.

Enclosure in No. 415.

CERTIFIED COPY of a Report of the Committee of the Privy Council, approved by His Royal Highness the Governor-General on the 13th May, 1912.

(P. C. 1272.)

The Committee of the Privy Council have had before them a report, dated 30th April, 1912, from the Right Honourable the Secretary of State for External Affairs, to whom was referred a despatch, dated 27th March, 1912, from the Right Honourable the Principal Secretary of State for the Colonies, on the subject of the mutual enforcement of judgments and orders of courts of justice in the United Kingdom, and the various possessions.

The Minister states that, in the opinion of the Law Officers of the Crown, the proposals of His Majesty's Government are quite satisfactory in so far as Dominion Courts of Law are concerned, that is to say, the passing of Imperial legislation to provide for the enforcement of judgments of the superior courts of the self-governing Dominions, States and Provinces in the courts of the United Kingdom on the same principles as are now applied to the enforcement of judgments of the superior courts of England, Scotland and Ireland by the Imperial Act of 1868, Chapter 54, the Act to include the case of awards given in arbitration disputes arising out of commercial contracts which have been given by courts in the Dominions, States or Provinces, or which, under the legislation of the Dominions, States or Provinces, have the force of orders of court. The Act also to contain a clause providing for its application, with or without modifications, to any self-governing Dominion, State or Province by Order in Council on the Secretary of State being satisfied that adequate provision exists under the law of that Dominion, State or Province for the enforcement of judgments given by the superior courts of the United Kingdom.

The Minister observes that it will be necessary for the Dominion to legislate in respect of the Yukon and North-West Territories. Legislation will also be necessary

* No. 414.

by the several Provinces, to whom Mr. Harcourt's despatch has been referred for consideration.

The Minister further observes that this present minute of Council relates only to the enforcement of judgments in courts under the jurisdiction of the Dominion of Canada.

The Committee advise that Your Royal Highness may be pleased to forward a copy hereof to the Right Honourable the Principal Secretary of State for the Colonies.

All which is respectfully submitted for approval.

F. K. BENNETTS,
Assistant Clerk of the Privy Council.

16276

No. 416.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

(Australia. No. 252.)	(Western Australia. No. 72.)
(New South Wales. No. 87.)	(Tasmania. No. 59.)
(Victoria. No. 77.)	(Union of South Africa. No. 286.)
(Queensland. No. 69.)	(New Zealand. No. 175.)
(South Australia. No. 66.)	(Newfoundland. No. 120.)

[MY LORD,]
[SIR,]

Downing Street, 13 June, 1912.

WITH reference to my despatch, No. [138] [45] [39] [39] [35] [37] [32] [153] [95] [59], of the 27th March,* I have the honour to transmit to [your Excellency], [you], for the information of your Ministers, prints of a despatch† from the Governor-General of Canada on the subject of the mutual enforcement throughout His Majesty's dominions of judgments, orders of courts of justice, and arbitration awards on disputes arising out of commercial contracts.

I have, &c.,
L. HARCOURT.

* No. 414.

† No. 415.

22.

(RESOLUTION XXVI.): SUEZ CANAL DUES.

23633

No. 417.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

[Copy to the Board of Trade and Foreign Office, 29 July, 1911. L.F.]

(Canada. No. 632.)	(New Zealand. No. 262.)
(Australia. No. 329.)	(Newfoundland. No. 177.)
(Union of South Africa. No. 366.)	

[MY LORD,] [SIR,]

Downing Street, 28 July, 1911.

I HAVE the honour to transmit to [Your Excellency] [you], for the information of your Ministers, copy of a resolution passed by the Imperial Conference as to the Suez Canal Dues.

2. The matter is occupying the close attention of His Majesty's Government.

I have, &c.,
L. HARCOURT.

Enclosure in No. 417.

XXVI. SUEZ CANAL DUES.

That this Conference is of opinion that the dues levied upon shipping for using the Suez Canal constitute a heavy charge and tend to retard the trade within the Empire, and with other countries, and invites the Government of the United Kingdom to continue to use their influence for the purpose of obtaining a substantial reduction of the present charges.

THE QUESTION OF ASIATICS IN THE DOMINIONS.

[Note: Correspondence as to the Treatment of Asiatics in the Dominions will be found in Dominions Nos. 21 and 44 and as to the Treatment of Asiatics in South Africa in South African Office and Parliamentary Papers.]

15405

No. 418.

INDIA OFFICE to COLONIAL OFFICE.

(Received 12 May, 1911.)

(Confidential.)

SIR,

India Office, Whitehall, London, S.W., 11th May, 1911.

WITH reference to Mr. Just's confidential letter of the 12th ultimo, No. 11161,* I am directed by Viscount Morley to transmit, for the information of Mr. Secretary Harcourt, the enclosed copy of a telegram from the Government of India on the position of British Indians in the self-governing Dominions.

Lord Morley fully agrees with Mr. Harcourt that it is desirable that the Inter-departmental Committee should meet again shortly.

I have, &c.,

EDW. S. MONTAGU.

Enclosure in No. 418.

TELEGRAM from the GOVERNMENT OF INDIA, dated 5th May, 1911.

P.—Your despatch of the 10th March, No. 49, in which our views are asked on the general question of the attitude of self-governing Dominions towards British Indian subjects. Owing to pressure of time, which precludes our addressing you by despatch, we are communicating our views by telegraph. The India Office Memorandum of the 27th March, which we received by last mail, contains the relevant issues, and appears to us, from our point of view, to state the case in a satisfactory manner; as it covers practically all the matters which we had intended to bring to your notice, we consider that the following general remarks will be sufficient.

The right of self-governing Dominions to prescribe the extent, if any, to which Asiatic immigration is to be permitted has been recognised by us. It has, however, been our contention that Indians as such should not be subjected to differential treatment in regard to immigration laws, and that we should not be called upon to secure that the movements of Indians should be controlled on this side; and, further, that fair and proper treatment should be accorded to Indians who are actually resident in the Dominions. This attitude we must maintain.

Turning to the question of the admission of Indians by individual Dominions, we think that Canada and Australia should not be referred to in the general discussion, as in these countries the present position would, we consider, best be left undisturbed. In this connection reference is invited to our despatches of the 11th March and 24th June, 1909. With regard to South Africa, you are acquainted with our views on the still unsettled problem. It is our earnest hope that, in comparison with the present conditions of entry into Natal and Cape Colony, the future regulations for those Provinces should not be made unduly severe.

We attach the greatest importance to the four points mentioned on page 7 of the Memorandum regarding the condition and status of Indians already resident. These questions arise chiefly in South Africa; and we venture to suggest that the measure taken by us, in stopping indentured emigration to Natal, to restrict a further increase in the number of Indian settlers, entitles us to claim that the Union Government should act in a conciliatory spirit with regard to the disabilities to which this class is still subjected.

The grant to Indians of position and rank of reasonable facilities for travel in the Dominions appears to us a matter of considerable importance; the views expressed

* No. 471 in Dominion No. 19.

on page 6 of the Memorandum have our cordial support. There is a natural objection on the part of educated Indians of position to the necessity for taking out permits, and we should welcome the adoption of the provisions of the Canadian Act on this point in both South African and Australian law. The provision for students made in the former Act might also be imitated.

The suggestion that the discussion of these matters at the Conference should be treated as confidential has our cordial approval. We are most anxious that feelings in India should not be excited by the publication of various points which might easily arise in the course of discussion.

15609

No. 419.

CANADA.

COLONIAL OFFICE to SIR WILFRID LAURIER.

[Answered by 17093: not printed.]

SIR,

Downing Street, 23 May, 1911.

I AM directed by Mr. Secretary Harcourt to transmit to you the accompanying copy of the draft of a petition* which the Hindu Friends Society of Victoria, British Columbia, propose to address to the Imperial Conference protesting against the treatment of His Majesty's Indian subjects under the Immigration Laws of the Dominion of Canada.

Mr. Harcourt would be glad to receive any observations which you may desire to offer on the subject of this petition.

I am, &c.,
C. P. LUCAS.

15609

No. 420.

CANADA.

COLONIAL OFFICE to INDIA OFFICE.

SIR,

Downing Street, 23 May, 1911.

WITH reference to the letter from this Department of the 6th instant,† and previous correspondence, I am to transmit to you, to be laid before Viscount Morley, the accompanying copy of the draft of a petition* which the Hindu Friends Society of Victoria, British Columbia, propose to address to the Imperial Conference protesting against the treatment of His Majesty's Indian subjects under the Immigration Laws of Canada.

Mr. Harcourt proposes to communicate a copy of the draft petition to Sir Wilfrid Laurier on his arrival in this country, and to ask for any observations which he may have to make on it.

I am, &c.,
C. P. LUCAS.

17549

No. 421.

INDIA OFFICE to COLONIAL OFFICE.

(Received 29 May, 1911.)

[Answered by No. 422.]

(Confidential.)

SIR,

India Office, Whitehall, London, S.W., 29th May, 1911.

WITH reference to Mr. Montagu's letter of the 11th instant,‡ and to the inter-departmental conference on the subject of Indians in the Dominions held on the

* See page 279 of [Cd. 5746—1]. † L.F. transmitting copy of No. 25 in Dominion No. 21.
‡ No. 418.

following day, I am directed by the Earl of Crewe to transmit, for the consideration of Mr. Secretary Harcourt, the enclosed copy of further telegraphic correspondence with the Viceroy.

I am to suggest that the Conference should meet again as soon as possible. Sir Herbert Risley will now be able to take part therein.

I have, &c.,
R. RITCHIE.

Enclosure 1 in No. 421.

FROM SECRETARY OF STATE to VICEROY, 15th May, 1911.

P.—The position of Indians in self-governing Dominions, referred to in your telegram of the 5th May, will be discussed confidentially on the 19th June at the Imperial Conference. Your suggestion that Australia and South Africa should adopt Canadian law in regard to temporary visitors is not altogether clear to me. In Canada, visitors are obliged to apply to the Canadian authorities for the permits which that country arranges to grant. In Australia, passports given to Indian visitors by their local Governments are accepted; and the liberality of this arrangement was commended in your despatch of the 25th June, 1909. In the South African Bill, the grant of permits somewhat on the analogy of the Canadian practice was contemplated. While the grounds upon which you object to making use of a general passport system in order to restrict emigration from India are clearly understood, it is suggested by the Colonial Office that you might with advantage consider the attitude to be taken if other Dominions should offer to waive immigration formalities in the case of Indian visitors of position who are furnished by their local Governments with passports. I shall be glad to learn your views by telegraph on the question of providing distinguished tourists with passports; I am uncertain how far Indians who visit Australia avail themselves of Lord Northcote's arrangement, and how discrimination is exercised by local Governments in regard to applicants for such passports.

Enclosure 2 in No. 421.

PARAPHRASE OF A TELEGRAM FROM THE VICEROY to the SECRETARY OF STATE,
24th May, 1911.

Indians in Dominions. Your telegram of the 15th instant. On the understanding that by the Canadian Immigration Act of 1910, permits for admission were not required by temporary visitors, we recommend the adoption of the Canadian system by Australia and South Africa. Under Section 2 (g) of the Act visitors are classed as non-immigrants, and, except that under Section 37 they may be required to be in possession of a certain sum, are thereby presumably immune from restraints imposed in the case of immigrants. Since passports are not issued in India a system such as that referred to in Section 37 is not applicable to Indians. We presumed that the issue of permits to enter Canada, authorised under Section 4, would be operative only in the case of immigrants who are otherwise rendered by the Act liable to restrictions. The statement that Canada arranges for the grant of permits to visitors and application to Canadian authorities is required is therefore not intelligible to us. But even though the construction we place on the law may be wrong, yet it would, in our opinion, be desirable to discuss the question whether what we took to be the Canadian principle might not be followed, and tourists or travellers possessed of certain means admitted without any restrictions such as are imposed on immigrants. It will be necessary otherwise to adopt as second-best what cannot be said to be popular in this country,—the Australian arrangement. The number of passports issued during the last three years to Indians, travellers, and merchants proceeding to Australia, has on enquiry been found to be in Bombay 15, in Bengal 7, and in Madras 1.

17549

No. 422.

COLONIAL OFFICE to INDIA OFFICE.

SIR,

Downing Street, 8 June, 1911.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 29th of May,* on the subject of the position of British Indians in the self-governing Dominions.

2. In reply, I am to request that you will invite the attention of the Earl of Crewe to the fact that the provisions of the Canadian Immigration Act do not seem to be correctly apprehended by the Government of India. There is no general exemption in Section 2 (9) of the Act of 1910 of visitors from the provisions of the Act as to immigrants; the exemption is given to tourists and travellers merely passing through Canada to another country, and Mr. Harcourt apprehends that this does not cover an ordinary visitor unless he falls strictly within the category, and I am to add that there is always the possibility of persons falling within the category being required to substantiate their claim to do so, which might, in any case, be difficult, and which could be avoided if the passport system were adopted. Moreover, experience shows that the exemption is not held by the Government of Canada to cover even wealthy Hindu merchants in the United States if they desire to pay short visits to Canada.

3. In these circumstances, I am to suggest that the Government of India might be asked to reconsider their objections to the passport system as applied in Australia. Mr. Harcourt understands that that system, within the limits assigned to it, works smoothly, and he thinks that it is preferable to the Canadian law as it stands, which seems to make no provision except in very exceptional circumstances (viz., the cases of tourists or travellers merely passing through Canada) for the entry of visitors from India unless they comply with the Act or obtain a special permit under Section 4 of the Act.

4. With regard to the case of South Africa, I am to point out that the issue of permits under Section 25 of the Bill would appear to apply only to cases of persons who would otherwise be prohibited immigrants. If passports were issued in India it appears that it would be possible, as is done in Australia, for the executive Government to give instructions that the bearer of the passport should not be required to submit to the ordinary tests, and that the issue of a formal permit would be avoided.

I am, &c.,
H. W. JUST.

* No. 421.

24.

THE LAW OF CONSPIRACY.

13129

No. 423.

COLONIAL OFFICE to BOARD OF TRADE AND HOME OFFICE.

[Answered by Nos. 424 and 425.]

SIR,

Downing Street, 6 May, 1911.

WITH reference to the letter from this Office of the 27th of March,* I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before [the Board of Trade] [Mr. Secretary Churchill] copies of despatches† from the Governors of Hong Kong and the Straits Settlements on the subject of the Australian resolution regarding the law of conspiracy.

2. I am to add that Mr. Harcourt proposes to circulate a short memorandum on this question to the Cabinet very shortly and to ask that any observations which [the Board of Trade] [Mr. Churchill] may have to offer may be communicated at a very early date.

3. The Local Government Board have stated that they have no observations to make with regard to the proposed resolution.

I am, &c.,
C. P. LUCAS.

15684

No. 424.

HOME OFFICE to COLONIAL OFFICE.

(Received 13 May, 1911.)

SIR,

Home Office, Whitehall, 12th May, 1911.

IN reply to the Colonial Office letters of the 27th March last and the 6th instant,‡ enclosing copies of correspondence and despatches on the subject of the eighth resolution, which relates to the law of conspiracy, proposed by the Commonwealth of Australia for discussion at the Imperial Conference, I am directed by Mr. Secretary Churchill to say, for the information of Mr. Secretary Harcourt, that he is not aware of any reason for extending the law of conspiracy in the direction indicated so far as the United Kingdom is concerned, inasmuch as the question appears to affect only the Asiatic and Australian parts of His Majesty's Dominions. Mr. Churchill will, however, be glad to give careful consideration to any suggestions that may be made.

I am, &c.,
E. BLACKWELL.

16204

No. 425.

BOARD OF TRADE to COLONIAL OFFICE.

(Received 17 May, 1911.)

Board of Trade (Commercial Department), Gwydyr House,

Whitehall, London, S.W., 16th May, 1911.

SIR,

I AM directed by the Board of Trade to acknowledge the receipt of your letter of the 6th May (No. 13129),§ forwarding copies of despatches from the Governors of Hong Kong and the Straits Settlements, with their enclosures, respecting the resolution which is proposed by the Australian Government for discussion at the Imperial Conference respecting the law of conspiracy.

In reply, I am to transmit to you herewith, to be laid before Mr. Secretary Harcourt, three copies of a memorandum which has been prepared in this Department on certain points arising out of the resolution in question.

I have, &c.,
GEO. J. STANLEY.

* No. 438 in Dominions No. 19.

† Nos. 441 and 442 in Dominions No. 19.

‡ No. 438 in Dominions No. 19 and No. 423.

§ No. 423.

Enclosure in No. 425.

(Confidential.)

IMPERIAL CONFERENCE 1911.

MEMORANDUM on certain points arising out of the Resolution proposed by the Government of the Commonwealth with regard to the Law of Conspiracy.

Among the Resolutions to be submitted to the forthcoming Imperial Conference is one which is proposed by the Government of the Commonwealth of Australia in the following terms:—

The Law of Conspiracy.—That the members of this Conference recommend to their respective Governments the desirableness of submitting measures to Parliament for the prevention of acts of conspiracy to defeat or evade the laws of any other part of the Empire; that the Imperial Government make similar representations to the Governments of India and the Crown Colonies.

It is stated by the Governor-General of the Commonwealth that one of the objects of this Resolution is "to make unlawful any conspiracy involving a transgression of the laws of another part of the Empire relating to commerce, *e.g.* Customs and Tariff Acts." It thus appears that the scope of the Resolution includes the taking of steps to protect such of the Dominions as give preferential tariff advantages to goods the produce of other portions of the Empire against fraudulent declarations designed to obtain the benefits of such advantages for foreign goods exported to those Dominions from such other portions of the Empire.

There appears to be no positive information available as to the extent, if any, to which such fraudulent declarations are resorted to in the case of foreign goods shipped to the Colonies from this country. The Board of Customs and Excise have been consulted as to the possibility of taking action under existing laws to guard against or punish such practices, but from their reply it seems clear that, so far as concerns that Department, there is little action which could usefully be taken in this matter, for the following, among other, reasons:—

(1) It would not be practicable to verify systematically *all* declarations by exporters that goods are of British, or, in the case of re-exports, of Colonial, origin. The Customs have power to require the production of invoices, &c., relating to entries and specifications delivered by exporters, and such exporters are liable to a penalty if they give inaccurate particulars; but, in practice, this check is exercised only when there is reason to suspect, from knowledge of the particular articles or from statistical discrepancies, that the nationality has been wrongly stated; and it is usually found that such errors are due to carelessness or to lack of complete information on the part of agents. Any attempt to establish an exhaustive check on all such entries would involve great expense, and would be resented as a serious hindrance to trade.

(2) It does not follow that goods wrongly entered on exportation will be wrongly entered on arrival at the country of destination, and *vice versa*; in fact, if systematic fraud on the Customs in a Dominion were intended, it is not unlikely that the persons concerned would be careful to enter their goods correctly on exportation from this country in order that no suspicions might be aroused. The Customs could not give a general undertaking that they would inform the Dominion authorities how goods were entered on exportation, although they might be prepared to do so in certain cases. Such information, however, would be of little use unless accompanied by some definite evidence of the origin of the goods apart from the exporter's declaration.

(3) The most serious obstacle, however, is the fact that goods which are regarded as British for the purposes of the United Kingdom trade statistics would in many cases not be regarded by the Dominions as British for the purposes of their preferential tariffs. All goods which have had their value *sensibly modified* in the United Kingdom are classed, on exportation as "Goods, the Produce or Manufacture of the United Kingdom"; whereas, to obtain the benefits of the preferential tariff rates in any of the Dominions, it is necessary that goods be *bond*

fide the growth, produce or manufacture of the United Kingdom (or of a reciprocating colony), and, in the case of manufactured articles, that they should owe at least 25 per cent. of their value to British labour or material of British production; and, in the case of Canada, and, after the 1st September, 1911, Australia, there is the additional requirement that the *final* process or processes of manufacture shall have been performed in the United Kingdom.

The only other action that would appear to be possible in the United Kingdom under existing laws is the prosecution of any person making a statutory declaration that goods are of British (or Colonial) origin, should such declaration be false. In each of the four Dominions, Customs Officers *may* call for a statutory declaration in addition to the certificate of origin; and, in the case of goods shipped to Canada on consignment prior to sale by the importer a declaration is uniformly required "attested to before a Collector of Customs, notary public, or other official authorised to administer oaths."

It is possible that in such cases His Majesty's Government might be in a position to render assistance in the prosecution of offenders, if supplied with the necessary evidence.

Board of Trade,
May, 1911.

15684

No. 426.

HONG KONG.

THE SECRETARY OF STATE to THE GOVERNOR.

(No. 251.)

SIR,

Downing Street, 23 August, 1911.

WITH reference to your despatch, No. 106, of the 30th of March,* I have the honour to invite your attention to the discussion of the law of conspiracy at pages 244-246 of the accompanying copy of the Minutes of Proceedings of the Imperial Conference, 1911.†

2. I shall be glad if steps can now be taken to carry out the proposal made in the second paragraph of your despatch under reference, to amend the law of Hong Kong so as to enable the Court to deal with persons who traffic in the identification papers of returned emigrants from Australia, who are thereby enabled to evade the Commonwealth Immigration Restriction Laws.

I have, &c.,
L. HARCOURT.

15684

No. 427.

STRAITS SETTLEMENTS.

THE SECRETARY OF STATE to THE ACTING GOVERNOR.

(No. 231.)

SIR,

Downing Street, 23 August, 1911.

WITH reference to Sir John Anderson's despatch, No. 127, of the 28th of March,‡ I have the honour to invite your attention to the discussion of the law of conspiracy at pages 244-246 of the accompanying copy of the Minutes of Proceedings of the Imperial Conference, 1911.†

2. I concur generally in the view expressed in Sir John Anderson's despatch, but I shall be glad if you will consider whether it may not be desirable, in accordance with the suggestion in the sixth paragraph of that despatch, to ask the Legislature to increase the penalty for stowing away.

I have, &c.,
L. HARCOURT.

* No. 442 in Dominions No. 19.

† [Cd. 5745].

‡ No. 441 in Dominions No. 19.

15684

No. 428.

AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 523.)

MY LORD,

Downing Street, 8 December, 1911.

WITH reference to the discussion of the question of the law of conspiracy at the Imperial Conference (see pages 244-246 of the Minutes of Proceedings),* I have to request that Your Excellency will inform your Ministers that, at my suggestion, steps have been taken in the Merchant Shipping Ordinance of the Straits Settlements, which will shortly be brought into force, to punish stowaways with imprisonment up to four weeks or a fine up to \$200, or both. As the existing law on the subject provides only for a penalty not exceeding \$100 or imprisonment not exceeding four weeks, your Ministers will observe that an increase has been made in the penalty imposed.

I have, &c.,
L. HARCOURT.

* [Cd. 5745].

25.

DEATH DUTIES.

23764

No. 429.

COLONIAL OFFICE to TREASURY.

[Answered by No. 430.]

SIR,

Downing Street, 19 July, 1911.

WITH reference to the discussion of the question of the payment of income tax at the Imperial Conference on the 16th of June (see pages 358 to 364 of [Cd. 5745]), I am directed by Mr. Secretary Harcourt to enquire whether the Lords Commissioners of the Treasury are in a position to intimate their views on the proposal then made by the Government of South Africa that the principle which is applied to death duties by section 20 of the Finance Act of 1894 should be extended to the case of income tax.

I am, &c.,
H. W. JUST.

33091

No. 430.

TREASURY to COLONIAL OFFICE.

(Received October 13, 1911.)

SIR,

Treasury Chambers, 12th October, 1911.

IN reply to Sir H. Just's letter of the 19th July last,* I am directed by the Lords Commissioners of His Majesty's Treasury to request you to inform Mr. Secretary Harcourt that they regret that they have not felt able, in view of the heavy loss of revenue which would thereby be entailed, to accept the suggestion made by the South African Government at the Imperial Conference on the 16th June last, that the principle which is applied to death duties by section 20 of the Finance Act of 1894 should be extended to the case of Income Tax.

I am to add that my Lords understand that this decision was communicated semi-officially to General Botha by the Chancellor of the Exchequer on the 30th August last.

I am, &c.,
ROBERT CHALMERS.

33091

No. 431.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 852.)

(New Zealand. No. 366.)

(Australia. No. 460.)

(Newfoundland. No. 242.)

(Union of South Africa. No. 572.)

MY LORD,

Downing Street, 20 October, 1911.

SIR,

WITH reference to the discussion at the Imperial Conference on the subject of the double payment of income tax, I have the honour to transmit to ^{Your Excellency} you for the information of your Ministers a copy of a letter† stating that in view of the

* No. 429.

† No. 430.

heavy loss of revenue which would be entailed, the Lords Commissioners of the Treasury regret that they are unable to accept the suggestion of the Government of the Union of South Africa that the principle which is applied to death duties by Section 20 of the Finance Act of 1894 should be extended to the case of income tax.

I have, &c.,
L. HARCOURT.

IMPERIAL EDUCATION CONFERENCE OF 1911.

10301

No. 432.

BOARD OF EDUCATION to COLONIAL OFFICE.

(Received April 4, 1912.)

[Answered by L.F. transmitting copy of No. 433.]

SIR, Board of Education, Whitehall, London, S.W., April 3rd, 1912.

I AM directed by the Board of Education to address the Secretary of State for the Colonies on the subject of the Imperial Education Conference.

2. A reference to the Report of the Imperial Education Conference of 1911 will show that the Conference recommended the appointment of a Committee in connection with the Imperial Education Conference, consisting of the accredited agents in London of the several Governments concerned, together with representatives of the Colonial Office, the India Office, the Board of Education, the Scotch Education Department, and the Irish Office. The Conference further resolved that, in its opinion, the functions of this Committee should be:—

- (a) To keep itself acquainted with the progress made by the Office of Special Inquiries and Reports in carrying out the work which the Conference may desire that Office to undertake;
- (b) To communicate with the several Governments concerned, when necessary, with a view to facilitating the progress of that work;
- (c) To consider the suggestions submitted in due course by the several Governments of the Empire as to subjects of discussion to be included among the agenda of future meetings of the Conference;
- (d) To facilitate the construction of the Agenda paper by communicating, when necessary, through its individual members, with the several Governments concerned.

3. The Conference also made various suggestions for facilitating the exchange of information between the various Education Departments of the Empire.

4. It will be within the memory of the Secretary of State for the Colonies that a Conference on Education, at which representatives of Education Departments and educational institutions from nearly all parts of His Majesty's dominions took part, was invited by the League of the Empire to meet in London in May, 1907, and that the delegates present at this Conference resolved that a quadrennial Conference was desirable and that the first of such Conferences should be convened by the Imperial Government. On this, the Board of Education announced that, in view of the united expression of opinion by educational representatives from so many parts of His Majesty's dominions, His Majesty's Government considered it desirable to arrange for an official Education Conference to be held in London in the year 1911. It was in accordance with the undertaking then made that the Imperial Education Conference of last year was convened by the Board of Education.

5. The Board of Education wish to point out that ever since the Conference of 1907, and even before that, they have been attempting, through their Office of Special Inquiries and Reports, to render certain services which would be of value to His Majesty's Overseas Dominions, and in this connection reference is invited to Appendices 3, 4, and 5 to the first part of the Report of the Imperial Education Conference, 1911. The Board of Education are most desirous of meeting, to the best of their ability, the wishes of the recent Conference with reference to the development of these services; and in this matter, as also in questions concerned with the future meetings of the Imperial Education Conference, the Board would welcome the co-operation and advice of the Committee the establishment of which has been suggested.

6. On the one hand the Board of Education feel that it is important that the Office of Special Inquiries and Reports should be kept more regularly informed of the particular needs of the various Overseas Governments which that Office might meet; on the other hand, they feel that it is essential that the Governments of the Self-Governing Dominions should have full opportunity of expressing their views on

such matters as the future of the Imperial Education Conference or any such schemes as those for the interchange of educational information throughout the Empire, which are, or may be, contemplated, after considering what participation in these projects involves on their side. The proposed Committee should render closer co-operation possible, for its members, being officials, will be in close touch with their respective Governments, and at the same time serve to place any arrangements for future Conferences that it may be decided to summon upon an official basis representative of the Empire as a whole.

7. In the circumstances above set forth I am to suggest that, if Mr. Secretary Harcourt agrees, the Governments of the self-governing Dominions may now be addressed with reference to the resolutions of the recent Imperial Education Conference, and asked whether they will nominate to serve on the Committee their High Commissioner or Agent-General or such other official as they deem suitable.

8. The Board of Education regret that, owing to the pressure of work which fell last year on their Office of Special Inquiries and Reports, as also to the necessity for reorganizing and strengthening the staff of that Office before any additional responsibility could be undertaken by it, they were not able to put this matter forward earlier. They would be glad if the Governments of the self-governing Dominions could now be approached with as little further delay as possible, as they are anxious that the wishes of the Conference should now be taken in hand with all possible despatch.

9. The India and Irish Offices and the Scotch Education Department are being asked to nominate representatives to serve on the Committee.

I am, &c.,
L. A. SELBY-BIGGE,
Secretary.

10301

No. 433.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

[Copy to Board of Education, 20 April, 1912. L.F.]

[Answered by Nos. 434 and 435.]

(Canada. No. 281.)	(Western Australia. No. 44.)
(Australia. No. 176.)	(Tasmania. No. 39.)
(New South Wales. No. 53.)	(Union of South Africa. No. 193.)
(Victoria. No. 50.)	(New Zealand. No. 122.)
(Queensland. No. 45.)	(Newfoundland. No. 78.)
(South Australia. No. 43.)	

SIR,

MY LORD,

Downing Street, 19 April, 1912.

WITH reference to my despatch, No. [387] [224] [66] [45] [50] [46] [46] [31] [234] [183] [116], of the 23rd of May, 1911,* I have the honour to transmit to [Your Royal Highness] [Your Excellency] [you], to be laid before your Ministers, the accompanying copy of a letter† from the Board of Education on the subject of the proposed establishment of a Standing Committee in accordance with the resolution unanimously adopted by the Imperial Education Conference of 1911 (pages 13 and 14 of [Cd. 5666]).

2. I shall be glad to learn in due course what official your Government proposes to nominate to serve on this Committee.

3. [To Australia only. A similar despatch has been addressed to the Governors of the States.]

I have, &c.,
L. HARCOURT.

* 16432 : not printed.

† No. 432.

18573

No. 434.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received June 15, 1912.)

[Copy to Board of Education, June 25, 1912. L.F.]

(No. 324.)

Governor-General's Office, Cape Town,

SIR,

29 May, 1912.

I HAVE the honour to transmit to you herewith, with reference to your despatch, No. 193, of the 19th April,* a copy of a minute from Ministers on the subject of the representation of the Union on the Standing Committee to be appointed in connection with the Imperial Education Conference.

I have, &c.,
GLADSTONE,
Governor-General.

Enclosure in No. 434.

(Minute No. 448.)

23 May, 1912.

Ministers have the honour to acknowledge the receipt of His Excellency the Governor-General's minute, No. 25/80, of the 10th instant, and to inform His Excellency that the Government propose to nominate the High Commissioner of the Union of South Africa in London as a member of the Standing Committee, in accordance with the resolution adopted by the Imperial Education Conference of 1911 (pages 13 and 14 of [Cd. 5666]).

Ministers are advising the High Commissioner of his nomination to serve on this Committee.

LOUIS BOTHA.

19069

No. 435.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received June 21, 1912.)

(No. 327.)

SIR,

Montreal, 8 June, 1912.

I HAVE the honour to forward herewith, for your information, copy of a letter from the Secretary of State for External Affairs, dated 20 May, 1912, on the subject of the proposed establishment of a Standing Committee in accordance with the resolution unanimously adopted by the Imperial Education Conference of 1911.

(Reference to previous despatch: Secretary of State, No. 281, 19 April.)*

I have, &c.,
ARTHUR.

Enclosure in No. 435.

FROM SECRETARY OF STATE FOR EXTERNAL AFFAIRS TO THE GOVERNOR-GENERAL.

The undersigned, to whom was referred a despatch from the Secretary of State for the Colonies to Your Royal Highness, dated 19th April, 1912, with reference to the proposed establishment of a Standing Committee in accordance with the resolution unanimously adopted by the Imperial Education Conference of 1911, has the honour to represent that in accordance with resolution IV., adopted at the Conference of last year, the Government of Canada nominate the Right Honourable Lord Strathcona and Mount Royal, G.C.M.G., G.C.V.O., High Commissioner for

* No. 433.

Canada in London, as the representative of the Dominion Government on this Standing Committee.

The undersigned would be glad to know if it is desired that this invitation shall be extended to the various Provincial Governments of Canada who took part in the Conference of 1911.

Humbly submitted:

R. L. BORDEN,
Secretary of State for External Affairs.

To His Royal Highness the Governor-General,
Ottawa.

20th May, 1912.

MARRIAGE FACILITIES.

33623

No. 436.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

[Answered by Nos. 437, 438, 439, 443, and 447.]

(Canada. No. 717.)
(Australia. No. 381.)
(South Africa. No. 478.)

(New Zealand. No. 301.)
(Newfoundland. No. 203.)

[MY LORD,] [SIR,]

Downing Street, 25 August, 1911.

I HAVE the honour to request that [Your Excellency] [you] will invite the attention of your Ministers to the correspondence as to the desirability of facilitating marriages between persons resident in this country and the Overseas Dominions which is printed in Parliamentary Paper [Cd. 5273], a copy of which I enclose for convenience of reference.

2. On page 219 of that paper will be found the draft of a Bill which has been carefully prepared so as to avoid any interference with the legislative powers of the Dominions in a matter of purely domestic concern such as the law of marriage. This Bill I propose to introduce into Parliament during the Session of 1912, and if your Ministers have any suggestions to offer with regard to it, I shall be glad to receive them at their early convenience.

I have, &c.,

L. HARCOURT.

35219

No. 437.

NEWFOUNDLAND.

THE ACTING GOVERNOR TO THE SECRETARY OF STATE.

(Received October 31, 1911.)

(No. 93.)

SIR,

Government House, St. John's, 17th October, 1911.

WITH reference to your despatch, No. 203, of the 25th August,* in relation to facilitating marriages between persons resident in the United Kingdom and the Overseas Dominions, I have the honour to enclose herewith copy of a letter upon the subject received by me to-day from the Colonial Secretary.

2. The Attorney-General is of opinion that the proposed Bill will not interfere with the legislative powers of Newfoundland in relation to the solemnization of marriage.

I have, &c.,

W. H. HORWOOD.

Enclosure in No. 437.

Department of Justice,

SIR,

St. John's, Newfoundland, 9th October, 1911.

I HAVE the honour to return herewith despatch No. 203 of date 25th August last from the Right Honourable the Secretary of State for the Colonies, together with Parliamentary Paper [Cd. 5273] in relation to the facilitating of marriages between persons resident in the United Kingdom and the Overseas Dominions forwarded by you on the 7th instant.

In my opinion the Bill which is proposed to be introduced into Parliament will not interfere with the legislative powers of Newfoundland in relation to the solemnization of marriage.

Under Newfoundland law the only case in which publication of banns or notice is required is where a marriage is proposed to be celebrated between any two persons either of whom shall be under twenty-one years of age, in which case the validity of the marriage is not affected, but the person who celebrates such a marriage without having first duly published the banns thereof on three successive Sundays in some church or chapel or, where there is no church or chapel, then without causing notice of such intended marriage to be placarded in some conspicuous place of public resort for the space of three weeks immediately preceding the day appointed for the celebration of such proposed marriage, or without having first obtained the consent of the parents or guardians of such person under age, shall be guilty of a misdemeanour and liable to a penalty not exceeding two hundred dollars (see Section 3 of Cap. 133, of the Consolidated Statutes, Second Series, entitled "Of the Solemnization of Marriage").

I have, &c.,

D. MORISON,

His Majesty's Attorney-General.

Hon. Robert Watson,
Colonial Secretary.

37190

No. 438.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received November 18, 1911.)

(No. 821.)

Governor-General's Office, Pretoria,

27 October, 1911.

SIR,

I HAVE the honour to transmit to you herewith, with reference to your despatch, No. 478 of the 25th August, 1911,* copy of a Minute from Ministers dated October 25, 1911, on the subject of the proposed Bill for facilitating marriages between persons resident in the United Kingdom and the overseas Dominions.

I have, &c.,

GLADSTONE,

Governor-General.

Enclosure in No. 438.

(Minute 1256.)

With reference to His Excellency the Governor-General's Minute, No. 48/199, dated the 15th September, 1911, on the subject of the proposed Bill for facilitating marriages between persons resident in the United Kingdom and the overseas Dominions, Ministers have the honour to inform His Excellency that they have no suggestions to offer with regard to the Bill.

J. C. SMUTS.

25th October, 1911.

38922

No. 439.

AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received December 4, 1911.)

[Copy to Registrar-General, December 8, 1911.]

(No. 200.)

Governor-General's Office, Melbourne,

1st November, 1911.

SIR,

REFERRING to your despatch, No. 381, dated 25th August, 1911,* with respect to facilitating marriages between persons resident in the United Kingdom and the

* No. 436.

overseas Dominions, I have the honour, at the instance of His Majesty's Prime Minister for the Commonwealth, to transmit, for your information, the attached copy of an opinion on the subject which has been furnished by the Attorney-General.

I have, &c.,

DENMAN,

Governor-General.

Enclosure in No. 439.

FACILITATION OF MARRIAGES BETWEEN PERSONS RESIDING IN THE UNITED KINGDOM AND OVERSEA DOMINIONS.

Opinion of the Attorney-General.

The Prime Minister has referred to me for consideration a despatch from the Secretary of State for the Colonies to His Excellency the Governor-General, inviting attention of Ministers to correspondence as to the desirability of facilitating marriages between persons resident in the United Kingdom and the overseas Dominions, and asking if Ministers have any suggestions to offer with regard to a Bill for that purpose intended to be introduced into the Parliament of the United Kingdom in 1912.

A paper containing the correspondence on the subject and including a draft of the proposed Bill is forwarded with the despatch.

The Bill referred to provides that in case of an intended marriage in the United Kingdom, in which one of the parties resides in a British Dominion, Colony, or Possession, to which the Act is, by Order in Council declared to apply, a certificate of notice of the intended marriage issued in the Dominion, Colony, or Possession, shall be accepted as an authority for the marriage in respect of the party dwelling in the Dominion, Colony, or Possession. The Bill also provides for notice of an intended marriage being given in the United Kingdom by a party dwelling there in the case of an intended marriage in a Dominion, Colony, or Possession.

In my opinion the Bill in no way seeks to legislate with respect to a matter which belongs to the domain of domestic legislation in the Commonwealth.

I see no objection whatever to the Bill on that ground.

The drafting of the Bill does not appear to me to be quite clear, because Section 1 appears to me as capable of being read as if an Order of His Majesty in Council were necessary in the case of each intended marriage. Such a construction cannot, I think, have been intended, as it would defeat one of the objects of the Bill. I mention this, not from any desire to criticise the Bill, but because I think the point may have escaped the notice of the draftsman.

The Commonwealth Parliament has not yet passed any legislation on the subject of marriage and any legislation when proposed should, in my opinion, deal with the whole subject.

As legislation by the Commonwealth dealing with the subject of marriage is not contemplated at the present time, I think that the question of reciprocal legislation on the lines of the draft Bill should be left to the States.

W. M. HUGHES,

Attorney-General.

October 18, 1911.

38922

No. 440.

AUSTRALIA.

COLONIAL OFFICE to REGISTRAR-GENERAL.

[Answered by No. 442.]

SIR,

Downing Street, 8 December, 1911

WITH reference to your letter of the 26th September,* I am directed by Mr. Secretary Harcourt to transmit to you, for any observations which you may wish to offer, a copy of a despatch† from the Governor-General of the Commonwealth of Australia, with a copy of an opinion furnished by the Attorney-General of the

* 31381: not printed.

† No. 439.

Commonwealth upon the Bill proposed to be introduced in the Imperial Parliament next year for facilitating marriages between persons residing in the United Kingdom and the Overseas Dominions.

I am, &c.,
H. W. JUST.

38922

No. 441.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL OF CANADA
AND THE GOVERNOR OF NEW ZEALAND.

(Sent 4.35 p.m., February 9, 1912.)

TELEGRAM.

[Answered by Nos. 443 and 447.]

My despatch of 25 August [No. 717] [No. 301]* Marriages Bill: Would be glad to learn as early as possible whether Ministers desire to offer any observations. Telegraph reply please.—HARCOURT.

4546

No. 442.

AUSTRALIA.

REGISTRAR GENERAL to COLONIAL OFFICE.

(Received February 14, 1912.)

[Answered by No. 444.]

General Register Office, Somerset House,

London, W.C., 13th February, 1912.

SIR,

I HAVE the honour to acknowledge the receipt of Mr. Lambert's letter of the 10th instant (No. 38922/1911),† and to express my regret that, owing to departmental pressure, a reply to Sir H. W. Just's communication of the 8th December last‡ has been so long delayed.

I am pleased to note that the Commonwealth Government sees no objection to the proposed legislation, and that there is a prospect of reciprocal legislation on the part of the various States of the Commonwealth.

With regard to the criticism of the drafting, this may be met, if, in the opinion of the Secretary of State, the point is of sufficient importance, by a transposition of the terms of Section I. so that it may read:—

"In the case of a British Dominion, Colony or Possession in which lawful notice of marriage can be given or banns published in respect of a marriage in the United Kingdom, His Majesty may by Order in Council declare that this Act applies to such British Dominion, Colony, or Possession and that thereupon in the case of an intended marriage in the United Kingdom between a British subject dwelling in the United Kingdom and a British subject dwelling in such British Dominion, Colony or Possession a certificate of the notice or banns issued in such Dominion, Colony or Possession shall be accepted, &c."

I am, &c.,

BERNARD MALLET,
Registrar General.

4569

No. 443.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 9.30 a.m., 14th February, 1912.)

TELEGRAM.

Your telegram 9th February,§ Marriage Bill. My Government states that it has no suggestions to offer, but doubts whether Bill would serve any useful purpose in New Zealand.—ISLINGTON.

* No. 436.

† Reminder.

‡ No. 440.

§ No. 441.

4546

No. 444.

COLONIAL OFFICE to REGISTRAR GENERAL.

[Answered by 6935: concurring in draft Bill.]

SIR,

Downing Street, 29 February, 1912.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 13th of February,* on the subject of the Draft Bill to facilitate marriages between persons resident in the United Kingdom and the Overseas Dominions.

2. I am to enclose for your consideration a redraft of the Bill, in accordance with the suggestion made in the third paragraph of your letter. This draft also removes any doubt as to the application of the Bill to the States of Australia and the Provinces of Canada, and provides for its application to the Protectorates and to Cyprus.

3. I am to take this opportunity of enclosing a copy of a telegram† which has been received from the Governor of New Zealand with regard to the Bill. No answer has yet been received from the Government of the Dominion of Canada.

I am, &c.,

H. W. JUST.

Enclosure in No. 444.

DRAFT BILL.

1. If in any part of His Majesty's dominions lawful notice of marriage can be given or banns published in respect of a marriage to be solemnized or celebrated in the United Kingdom, His Majesty may by Order in Council declare that this section applies to that part of His Majesty's Dominions and thereupon in the case of an intended marriage in the United Kingdom between a British subject dwelling in the United Kingdom and a British subject dwelling in that part of His Majesty's dominions, a certificate of the notice or banns of marriage issued in that part of His Majesty's dominions shall be accepted in the United Kingdom by the clergyman, minister, priest, or other person who is to solemnise or celebrate the marriage, and by the registrar or person whose duty it is to register the marriage, as authority for the marriage in respect of the party dwelling in that part of His Majesty's dominions in the same manner as if it had been a certificate issued by the registrar of another district in England or Ireland or by a session clerk in a parish in Scotland or by a registrar in a parish or district in Scotland.

2. When a marriage is intended in any part of His Majesty's dominions between a British subject dwelling in the United Kingdom and a British subject dwelling in that part of His Majesty's dominions and provision has been made by legal enactment in that part of His Majesty's dominions for the acceptance of a notice of marriage given in the United Kingdom as a notice for marriage in that part of His Majesty's dominions, it shall be lawful for the party dwelling in the United Kingdom to give notice in the United Kingdom of the intended marriage in like manner as if that party were about to be married in the United Kingdom, and in England the notice shall be given to the Superintendent Registrar, in Ireland to the District Registrar of Marriages, and in Scotland to the Registrar of the parish or district.

3. His Majesty may by Order in Council extend this Act to any territories under his protection and to Cyprus, and on the making of any such Order this Act shall, subject to the provisions of the Order, have effect as if the territories to which it applies or Cyprus were a part of His Majesty's dominions to which this Act extends.

6935

No. 445.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 1.55 p.m., 22 March, 1912.)

TELEGRAM.

[Answered by No. 447.]

My telegram 9th February‡ I propose to introduce Marriage Bill referred to

* No. 442.

† No. 443.

‡ No. 441.

in my despatch of 25th August last, No. 717.* If your Ministers have any objection please let me know by telegraph at once.—HARCOURT.

4546

No. 446.

COLONIAL OFFICE to TREASURY.

SIR, Downing Street, 30 March, 1912.
I AM directed by Mr. Secretary Harcourt to transmit to you the draft† of a Bill which he proposes should be introduced in Parliament during the present session, to facilitate marriages between persons resident in the United Kingdom and the oversea Dominions. The circumstances in which the Bill has been prepared are explained in the accompanying memorandum.

I am to request that their Lordships will be good enough to instruct the Parliamentary Counsel to examine the draft Bill, and if he concurs in it, to cause it and the explanatory memorandum to be printed.

I am, &c.,
HENRY LAMBERT,
for the Under-Secretary of State.

Enclosure in No. 446.

MEMORANDUM.

This Bill is intended to remove a certain difficulty with regard to the celebration of marriages which arises in the case of persons who leave the United Kingdom to be married in any other part of His Majesty's dominions or *vice versa*. Under the existing law no notice can be given in the United Kingdom of a marriage to be celebrated in any of the oversea Dominions, and, conversely, a notice given or banns of marriage proclaimed in such Dominions cannot be accepted in the United Kingdom as authority for the celebration of a marriage. Considerable inconvenience sometimes results, and needless expense is involved to persons desirous of being married as soon as possible after arrival. Clause I provides for the recognition for the purposes of marriages in this country of certificates of notice issued in any part of His Majesty's dominions which have adopted similar legislative provisions. In Clause II the Bill provides for the issue in the United Kingdom of certificates of notice of marriage in any of His Majesty's dominions which accept such notices as an authority for marriage. The Bill is drafted so as to provide that it can be applied by Order in Council to any of the overseas Dominions which choose to pass similar legislation. Provision is also made that His Majesty may, by Order in Council, extend the Act to any territories under his protection and to Cyprus.

13121

No. 447.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.45 p.m., 27th April, 1912.)

TELEGRAM.

Your telegram 9th February,‡ Marriage Bill. Secretary of State for External Affairs reports Ontario, New Brunswick, British Columbia, no objection to offer; Prince Edward Island and Alberta have not any suggestions; Saskatchewan, matter still under consideration. Quebec Attorney-General states Section 1 of draft of Bill regarding publication of banns quite desirable from his point of view. Section 2 useless as regards Quebec as Article 132 Civil Code regulates duty of officer solemnizing marriage if last domicile of one party is out of Province. Government of Nova Scotia reports that Bill will not be applicable to Province but have not any objection to its passing. Also suggest interpretation clause with regard to expressions "British Dominion, Colony, and Possession," in relation to right of local legislatures to legislate *re* marriage. Despatch follows by mail.—ARTHUR.

* No. 436.

† Enclosure in No. 444.

‡ No. 441.

28.

RADIOTELEGRAPHIC CONVENTION.

21456

No. 448.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 1 July, 1911.)

[Answered by No. 449.]

(No. 45.)

SIR, Government House, St. John's, 13 June, 1911.
REFERRING to your despatches, No. 71, of the 19th May, 1908, and No. 178, of the 7th October, 1910,* relating to the Radiotelegraphic Convention I have the honour to transmit herewith a copy of a letter from the Deputy Colonial Secretary on the subject.

I have, &c.,
RALPH WILLIAMS.

Enclosure in No. 448.

SIR, Colonial Secretary's Office, St. John's, Newfoundland, May 31, 1911.
REFERRING to despatches, No. 71, of the 19th May, 1908, and No. 178, of the 7th October, 1910, both from the Right Honourable the Secretary of State for the Colonies and Your Excellency's communication of the 26th instant, forwarding certain documents relating to the Radiotelegraphic Convention, I have the honour to intimate that your Ministers do not desire at the present time to adhere to the Convention.

As Your Excellency is aware, this Colony has for several years past been operating a number of wireless telegraph stations in Newfoundland and Labrador under an agreement with the Marconi Wireless Telegraph Company, which has not yet expired. Some of the provisions of this agreement are not in accord with the terms of the Convention, and for this reason Ministers think it inadvisable for the present to adhere to the same.

Should this obstacle be removed, Ministers will be prepared to consider the desirability of adhering to the Convention, and in the event of deciding to do so will intimate such decision without delay to Your Excellency for communication to the Secretary of State.

I have, &c.,
ARTHUR MEWS,
Deputy Colonial Secretary.

His Excellency .
Sir Ralph Williams, K.C.M.G.,
&c., &c., &c.,
Governor.

21456

No. 449.

NEWFOUNDLAND.

THE SECRETARY OF STATE to THE ACTING GOVERNOR.

[Answered by No. 450.]

(Confidential.)

SIR, Downing Street, 29 July, 1911.
I HAVE the honour to acknowledge the receipt of Sir R. Williams's despatch, No. 45, of the 13th June,† on the subject of the Radiotelegraphic Convention.
2. I have to request that you will call the attention of your Ministers to the letter from Sir Robert Bond a copy of which was enclosed in Sir W. MacGregor's Confidential despatch of the 14th December, 1906,‡ in which it is stated that in the

* No. 208 in [Cd. 5273] and No. 313 in Dominions No. 19.

† No. 448.

‡ 44801: not printed.

licence which it was proposed to grant to the Marconi Wireless Telegraph Company of Canada care would be taken to ensure that there should be inserted the provision as to compliance with the terms of the Radiotelegraphic Convention in the event of Newfoundland adhering to that Convention.

3. I have to enquire whether the licence in question was ever issued, and, if so, whether the condition in question was inserted in it.

4. At the same time, I should be glad to know precisely what are the conditions of the Agreement with the Company which are considered, as stated in the despatch under acknowledgment, to stand in the way of the adherence of Newfoundland to the Convention.

I have, &c.,
L. HARCOURT.

38113

No. 450.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received November 27, 1911.)

(Confidential.)

SIR, Government House, St. John's, 11th November, 1911.
REFERRING to your confidential despatches of date 29th July and 13th October, 1911,* I have the honour to transmit a copy of a letter from the Attorney-General, on the subject of the Radio-telegraphic Convention.

I have, &c.,
RALPH WILLIAMS.

Enclosure in No. 450.

Attorney-General's Office, St. John's, Newfoundland,

SIR, 3rd November, 1911.

IN reply to your communication of the 22nd August last, forwarding confidential despatch of date 29th July, from the Right Honourable the Secretary of State for the Colonies, I have the honour to say that no licence has been issued to the Marconi Wireless Telegraph Company of Canada.

The Company is operating under an agreement dated the 22nd of September, 1903, which has not yet expired and which contains the following provision:—

"And it is hereby expressly agreed by the Government that none of the said apparatus shall be used at any time in connection or communicating with any system of wireless telegraphs other than the Marconi system or systems for the time being used and controlled by the Company or any of its subsidiaries or for any purpose other than that for which it is supplied by the Company, nor shall any of the said apparatus be disposed of by the Government to any person or corporation without the previous consent in writing of the Company."

This provision, it is considered, prevents the adherence of Newfoundland to the Convention at the present time.

I return the despatch with the file of papers herewith.

I have, &c.,
D. MORISON,
His Majesty's Attorney-General.

Honourable Robert Watson,
Colonial Secretary.

* No. 449 and reminder.

CO 886/5A/7

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Dominions

No. 40.

Confidential.

TABLE OF CONTENTS

IMPERIAL CONFERENCE, 1911.

PAPERS LAID BEFORE THE CONFERENCE
BUT NOT PUBLISHED.

TABLE OF CONTENTS.

	PAGE.
I. (32) Memorandum by the General Post Office on the All-British Route between the United Kingdom and Australasia via Canada	3
II. (26) Memorandum by the General Post Office on Imperial Postal Order Scheme ...	6
III. (24) Memorandum by the General Post Office regarding cheapening of Cable rates...	11
IV. (25) Memorandum by the General Post Office regarding State-owned telegraph line across Canada	13
V. (27) Memorandum by the General Post Office regarding a State-owned Atlantic Cable	13
VI. (28) Memorandum by the General Post Office regarding Universal Penny Postage ...	14
VII. Memorandum regarding State-owned British wireless telegraph stations	16

[The numbers in brackets refer to the order of the Papers in the volume of Memoranda, &c., circulated to the Members of the Conference.]

IMPERIAL CONFERENCE, 1911.

PAPERS LAID BEFORE THE CONFERENCE BUT NOT PUBLISHED.

No. I.

ALL-BRITISH ROUTE BETWEEN THE UNITED KINGDOM AND AUSTRALASIA VIA CANADA.

(Confidential.)

MEMORANDUM BY THE GENERAL POST OFFICE.

The Newfoundland and New Zealand Governments propose to submit resolutions to the Colonial Conference on the subject of the "All Red Route."

2. A copy of the resolution actually passed by the Conference of 1907 is annexed. It was rather less precise than the resolution that had been introduced by Sir Wilfrid Laurier, which specified that the "service upon the Atlantic Ocean should be carried on by means of steamships equal in speed and character to the best now in existence, and on the Pacific Ocean by steamships of a speed not less than 18 knots."

3. The resolution now proposed by Newfoundland deals only with the Atlantic service; and its purport would appear to be that the best service that can be made available for connecting Great Britain and Canada should touch at Newfoundland, and that if it did so that Colony would contribute in proportion to its population, wealth, trade, and interests. A contribution on this basis would be very small—not more than $\frac{1}{100}$ th of that of the United Kingdom—and as the essence of the proposal for a fast line across the Atlantic to Canada is that competition with the lines to New York should be facilitated by saving every hour possible, it seems undesirable that for a small contribution the journey should be lengthened by the six or eight hours which would be necessary to enable a call to be made at St. John's, Newfoundland, on the way to Halifax or to Quebec.

4. It may be, however, that the Newfoundland Government intend to put forward the project, briefly referred to by Sir Robert Bond at the Conference of 1907, of a steamer service between the United Kingdom and Newfoundland, a railway service across that island, and another steamer service between Newfoundland and Canada. The main advantage claimed for such a project is that it would involve the shortest possible sea journey; but the route which gave this advantage would be available at most for eight months in the year, and would involve double transshipment of passengers at Newfoundland. The scheme is not considered by the Post Office a practicable one.

5. The resolution put forward by the New Zealand Government deals mainly with the service on the Pacific Ocean, and shows change in the views of that Government since Sir Joseph Ward urged at the Conference of 1907 that the 18-knot Pacific service proposed by Sir Wilfrid Laurier was too slow; that there would be little value in a service by which the mails would take twenty-seven or twenty-eight days to reach London, *i.e.*, practically as long as had been taken for a number of years via San Francisco and New York; and that a service of about 21 knots, which would bring New Zealand and England within three weeks of each other, was required, and would be supported by New Zealand with a subsidy of as much as £100,000. The New Zealand Government apparently now consider that a comparatively slow

service, which would bring mails and passengers from England in a shorter time (twenty-seven days) than they now take via Suez (thirty-three and a-half days), and would be available for a cargo service between New Zealand and Canada, is worthy of support. Since the New Zealand resolution was circulated a regular steamship service between that country and Canada has been arranged.

6. No resolution with regard to the "All Red" route has been put forward by the Canadian Government for consideration at the coming Conference. At the 1907 Conference Sir Wilfrid Laurier advocated a 24-knot Atlantic service, which was to do the journey from Liverpool to Halifax, Nova Scotia, in four days. In July, 1908, he was, however, reported to have referred to the Atlantic journey being accomplished by the proposed "All Red" route in five days by 21-knot vessels. The view of the Post Office is that the cost of running the service by 25-knot instead of by 21-knot steamers would be out of all proportion to any advantages to be reached by the increased speed. It appears to them that commercial competition is bringing about a reduction in the time taken, without any special assistance from the State. In this connection it is understood that the Allan and Canadian Pacific Railway lines are contemplating a considerable improvement in their service(s).

7. An approximate time table between Liverpool and Auckland for summer and winter, based on a 21-knot effective speed across the Atlantic, and the 16-knot effective speed across the Pacific now suggested by the New Zealand Government is annexed. It assumes that the overland train journey from Quebec to Vancouver could be accomplished in four days, and from Halifax in five days. It allows twelve hours for coaling at Fiji, but does not provide for coaling at Honolulu—a foreign port. It will be seen that from Liverpool to Auckland would take about twenty-seven days, and to Sydney—allowing one day at Auckland—about thirty-one and a-half days. In comparison with these times it may be noted that mails by the Peninsular and Oriental and Orient Lines by way of Suez take twenty-nine and a-half days from London to Melbourne, and thirty-three and a-half days from London to Wellington.

The advantage to New Zealand of the proposed "All Red" route over that of Suez is obvious, but so far as the Commonwealth of Australia is concerned the Suez route is the faster, and from the commercial point of view perhaps the more desirable. Moreover, the arrangement with the Peninsular and Oriental Company, under which the present contract is performed, combines the whole of the eastern mail service with that of Australia, and by an elaborate and carefully worked out system of branch lines and connections at various ports *en route* the number of ships employed is reduced to a minimum. This is an economical arrangement, and one which, up to the present, has been found to work satisfactorily, not only from the point of view of the United Kingdom, but also of the many British dependencies which are linked up with this important line of communication to Australia.

8. The question of the "All Red" route, in so far as it concerns the Imperial Government, narrows itself down to one of the amounts which can properly be paid to assist Canada in obtaining an Atlantic service faster than the commercial competition on that route will supply and New Zealand in her desire to maintain a regular mail service via Canada. As far as the Post Office is concerned, the question is one of the amount which it would be proper to pay as a postal subsidy for any part of the service.

9. As regards the Atlantic service, it must be borne in mind that no weekly service can be *exclusively* used. It would not be in the interest of trade with Canada to keep back correspondence which would be delivered earlier if sent by lines having different days of sailing from those of a particular contract service. At the present time rather more than half of the Canadian mails go by the Wednesday and Saturday sailings of the White Star and Cunard lines via New York, and the cost of their transmission across the Atlantic is covered by the inclusive contract amounts paid to these lines for American mails. An arrangement has also been made for a fortnightly Wednesday despatch of "full" mails to Canada by the Canadian Northern Railway Company, which has established a service with 21-knot steamers. The bulk of mails at present carried by the Allan and Canadian Pacific Railway lines is not very large, and even if it were considerably increased as the result of the institution of a quicker service, it would not justify a heavy contribution to the cost of the service in question, especially as such a contribution would, in existing circumstances, be almost entirely additional to present postal payments.

10. The same thing applies to a postal subsidy for the Vancouver-Auckland-Sydney route. Apart from the fact that the proposed service would not result in

any acceleration of the mails to Australia, payments for it would be additional to those now made by the Postmaster-General to the Peninsular and Oriental Steam Navigation Company and by the Australian Government to the Orient Steam Navigation Company. The former contract runs until 1915 and the latter until 1920. The same contracts now cover the cost of the ocean conveyance of the mails to New Zealand, and in this case also any postal subsidy given to the proposed new service would be an addition to present payments until, at any rate, the Peninsular and Oriental contract expires in 1915.

It seems probable, however, that before that time the whole situation may have been materially altered by the opening of the Panamá Canal, which will give a new route to New Zealand involving no transshipment.

April 19, 1911.

Resolution with regard to "All Red" route passed at Colonial Conference of 1907.

That in the opinion of this Conference the interests of the Empire demand that, in so far as practicable, its different portions should be connected by the best possible means of mail communication, travel, and transportation;

That to this end it is advisable that Great Britain should be connected with Canada, and through Canada with Australia and New Zealand, by the best service available within reasonable cost;

That for the purpose of carrying the above project into effect such financial support as may be necessary should be contributed by Great Britain, Canada, Australia, and New Zealand in equitable proportions.

TIME TABLE for "All Red" route with 21-knot service across the Atlantic and 16-knot service across the Pacific.

	Distance.	Days.	Hours.
<i>Proposed Route (Summer).</i>			
Liverpool-Auckland, 27 days—			
Liverpool-Quebec (via Cape Race) ...	2,872	5	17
Time allowed for transfer ...	—	—	4
Quebec-Vancouver (train) ...	—	4	0
Time allowed for transfer ...	—	—	4
Vancouver-Fiji ...	5,190	13	13
In harbour at Fiji ...	—	—	12
Fiji-Auckland ...	1,150	3	0
In harbour at Auckland ...	—	1	0
Auckland-Sydney ...	1,264	3	8
Liverpool-Sydney ...	—	31	10
<i>Proposed Route (Winter).</i>			
Liverpool-Auckland, 27 days, 5 hours—			
Liverpool-Halifax ...	2,438	4	20
Time allowed for transfer ...	—	—	4
Halifax-Vancouver (train) ...	3,662	5	0
Time allowed for transfer ...	—	—	4
Vancouver-Fiji ...	5,190	13	13
In harbour at Fiji ...	—	—	12
Fiji-Auckland ...	1,150	3	0
In harbour at Auckland ...	—	1	0
Auckland-Sydney ...	1,264	3	8
Liverpool-Sydney ...	—	31	13

MEMORANDUM BY THE GENERAL POST OFFICE ON IMPERIAL POSTAL ORDER SCHEME.

That it is desirable to complete the Imperial Postal Order Scheme by its extension to Australia and its full adoption by Canada, so that the British Postal Order shall be obtainable and payable in all parts of the Empire and thus afford a ready and economical means of remitting small sums not only between the United Kingdom and other parts of the Empire, but between each part and every other.

The adherence of Australia to the Imperial Postal Order Scheme and its complete acceptance by Canada, which pays the Imperial orders at some large offices but does not issue them, are alone wanting to fulfil the idea of an order obtainable and payable in any part of the British Empire. The British postal order was adopted for this purpose

- (a) because it was fairly well known throughout the world;
- (b) because the special and costly arrangements for printing it rendered imitation exceedingly difficult; and
- (c) because the British Post Office with an enormous local issue of these orders had an effective system of audit in working order ready for application to the Imperial Service.

2. The possibility of setting up a reciprocal exchange of local issues of postal notes was carefully considered and abandoned on account of its inherent difficulties. It was recognised, in the first place, that the cashing of Colonial postal notes elsewhere than in the country of issue would involve the acceptance of different patterns (at that time twenty-two in number) at all offices in this country participating in the scheme (over 20,000 in number), and would much increase the risk of forgery. If the scheme is to afford complete communication throughout the Empire, either one postal order must be sold and paid throughout the dominions of the Crown, or the local orders issued in some Colonies must be paid at all the offices which sell the Imperial postal order. This would, in practice, mean that postmasters would have to cash any document which purported to be a postal order. Even if the payment of local orders were confined to those of two or three of the larger dependencies, the risk of forgery, though reduced, would still remain a serious one. Moreover, this would appear to those Colonies which adhered to the scheme in its entirety to be an abandonment of the Imperial ideal, in furtherance of which some of them, like those which make up the Union of South Africa, have even abolished their own postal notes.

3. The acceptance in the United Kingdom of the postal orders of any particular country—such as Canada—would be of advantage only to persons in the United Kingdom and Canada, while the complete adhesion of that Dominion to the Imperial Postal Order Scheme would also provide without further machinery a simple and convenient means of remitting small sums of money directly between Canada on the one hand, and on the other hand, practically the whole of the Empire, as well as Egypt, including some places with which Canada does not at present maintain a direct money order service.

That such facilities would be appreciated may be inferred from the fact that British postal orders are now used to an appreciable extent for the remittance of small sums to Canada from numerous other countries included in the Imperial Scheme, particularly from India and South Africa. The usefulness of British postal orders for this purpose is, however, at present impaired by two serious restrictions imposed by the Dominion Government which do not apply in the other countries participating in the service:—

- (a) the orders are not payable even at every large post office in Canada, but only at twenty-two city offices; and
- (b) stamps affixed by the senders to the orders in extension of their value are not recognised in Canada.

4. If the British Post Office agreed to pay the postal notes of any British Colony, any hope of completing the Imperial Postal Order Scheme would have to be abandoned. Indeed it would be reasonable to anticipate applications from other Colonies which at present issue the Imperial orders without demur for equally favourable treatment of their local postal notes—applications which it would be difficult to resist. In some cases refusal might lead to an abrupt termination of the Imperial

arrangement, while, on the other hand, acquiescence would undermine it. The uniformity and universality of the Imperial Postal Order Scheme, which are its essential features, would be effectually destroyed.

5. The principal objections raised in Canada and Australia to the Imperial Scheme appear to be

- (a) the complication caused by the necessity for handling two different stocks of postal orders or notes at Colonial post offices;
- (b) the administrative and accounting difficulties that would arise between headquarters and the postmasters on account of the extent of the territory covered;
- (c) the difficulty of answering questions in connection with the payment of orders on account of the fact that the paid orders are filed in London;
- (d) The financial loss which the Colonial post offices would suffer through the diminution of the money order business with other parts of the Empire which would result from the establishment of the system.

The Canadian Post Office bases its opposition to the scheme on all four of these objections, while the Australian Post Office appears to be guided almost entirely by the last.

6. It may be urged in reply as regards (a), that separate local issues are maintained in addition to the Imperial orders by the Post Offices of Ceylon, Hong Kong, Malta, Newfoundland, New Zealand, Southern Rhodesia, Straits Settlements, and some of the West Indian Colonies, without, so far as is known, any serious difficulty in consequence of the duplication of systems.

As regards (b), the administrative and accounting difficulties seem to be successfully met in the case of India, which, besides the difficulty of communication over a large area and the difference of currency, has to contend with the additional disadvantage of a staff of Asiatics and numerous different languages.

As regards (c), experience has shown that in practice little or no trouble is caused by the fact that the orders are filed in London.

As regards (d), it should be borne in mind that the Imperial Postal Order Scheme is intended to be—and is, in fact—self-supporting. There would, accordingly, be no actual loss on the business transferred from the Money Order Service to the Imperial Postal Order Service, and there would only be a sacrifice of revenue in so far as the profit on a money order transaction in Canada or Australia is greater than the profit on an Imperial postal order transaction. This Department is not in a position to estimate the extent of this possible sacrifice of revenue, but it could hardly be very great, and might easily be merely nominal, since the money order transactions principally affected would be those for small amounts, which are the least profitable. In urging this objection the Canadian and Australian Post Offices appear to have overlooked the fact that the diminution of the commission on money order business would be accompanied by a corresponding diminution of work.

7. The annexed appendix, containing extracts from the Annual Reports of the New Zealand Post Office for the years 1904 to 1909 and an extract from the Annual Report of the Postmaster-General of Cape Colony for the year 1908, is of interest in this connection. In the case of New Zealand it is to be observed that the withdrawal of the regulation prohibiting the issue of British postal orders amounting to £1 in value to one person on any one day for payment to the same payee (which was originally introduced as a means of safeguarding the money order revenue) was almost immediately followed by a reduction in the commission charged to the public, from which it may be inferred that the competition of the British postal order did not adversely affect the money order revenue, while in the case of the Cape Colony it is explicitly stated that the transfer of business from the local money order service to the Imperial postal order service resulted in no loss to the Colonial revenue.

In comparing the local conditions in Cape Colony with those which obtain in Australia, it is to be borne in mind that whereas the minimum charge in Cape Colony for a money order payable in the United Kingdom is 9d. (for a sum not exceeding £2), the minimum charge in Australia for a money order payable in the United Kingdom is only 6d. (for a sum not exceeding £1). The commission on money orders payable in the United Kingdom for sums not exceeding £1 being thus less in Australia than in Cape Colony, it may fairly be anticipated that since the adoption by Cape Colony of the Imperial Postal Order Scheme has not resulted in any actual loss of revenue, the adoption of the scheme by Australia would be attended by the same satisfactory results.

8. The conclusion, therefore, seems to be that the Imperial Postal Order Scheme is the only practical way of affording much-needed facilities for the remission of small sums from one part of the Empire to another, but united support on the part of all the Colonies is essential if full benefit is to be derived from it. The advantages which would result to Canada and Australia from its adoption seem far to outweigh the accompanying disadvantages, and by giving it their full support they would help to provide, at little or no cost to themselves, a real and useful means of binding the various portions of the Empire more closely together.

General Post Office,
7th February, 1911.

APPENDIX.

EXTRACTS from the Annual Reports of the New Zealand Post Office for the years 1904 to 1909.

1904.

"Our experience so far has been that there was a very trifling loss in the shape of commission; and that quite a new class of business was created in the remittance of small amounts—which would not have been sent by money orders, owing to the higher commission. The British postal order has been found to answer admirably the purpose for which it was introduced."

1905.

"The Imperial Postal Order Scheme has during the past year proved both its usefulness and the fact that it has met a public want."

1907.

"The amount for which British postal orders may be issued to any one person on any one day for payment to the same payee is now unlimited."

"The following reductions in the poundage on British postal orders sold in New Zealand are to be made from the 1st July, 1908:—

On orders of 2s. and 2s. 6d., from 2d. to 1d.
On orders of 11s. to 15s. (inclusive), from 3d. to 2d."

1908.

"The abolition of the limit of the amount for which British postal orders may be issued to any one person on any one day for payment to the same payee has appreciably increased the sales."

1909.

"There was an increase of 21·13 per cent. in the number of postal orders sold during the year, and 23·82 per cent. in the number paid.

"The increasing use of this method of remitting small sums to the various parts of the British Empire has more than justified its introduction."

EXTRACT from the Report of the Postmaster-General of the Cape of Good Hope for the year 1908.

Postal Orders.

"The sale of postal orders was extended to six sub-offices.

The issue of Cape Colony postal notes was discontinued on the 31st December, 1907, and the full range of British postal orders, 6d. to 21s. (forty-one values in all) substituted.

738,221 orders, of the value of £416,708, were issued, as compared with 477,367 orders, value £242,313 in 1907.

The number of orders paid was 687,907, value £374,352, as against 425,121, value £209,817, in the previous year.

£5,099 was earned in poundage, an increase of £601.

As showing the expansion of postal order business since the introduction of the full British series, it may be stated that postal orders issued during 1908 show an increase of 72 per cent. on the combined Cape Colony postal note and British postal order business for 1907, the actual figures being as follows:—

Cape Colony postal notes issued, 1907	£151,911
British postal orders issued, 1907	90,402
Total issues, 1907	£242,313
British postal orders issued, 1908	£416,708
Increase in 1908	£174,395

The average annual increase in the Cape Colony postal note business prior to the introduction of British postal orders was 12 per cent., but it is doubtful whether this rate of increase would have been maintained during the depression of the last two years. Whilst it is a fact that there was a considerable transfer of remittances under £2 from money orders to postal orders, this does not fully account for the remarkable growth of transactions in the latter, and it is fair to assume that the public find British orders of such convenience that new business has been created.

The general introduction in the South African Colonies of these British postal orders has relieved the public of the second commission payable upon every order from the adjoining territories cashed in Cape Colony; it has established a currency extending through South Africa as well as to the United Kingdom, and to a large number of British dependencies; and it has reduced most materially the cost of small remittances. Under the arrangement with the United Kingdom that country supplies the orders and audits those that are paid, receiving as its compensation the poundage charged on issue in England, while the Colonies receive a certain sum per thousand for all orders issued or paid, as well as the difference between the English poundage and that charged on local issue. These receipts added to the saving on supplies and in staff (in accounting and auditing) quite compensate the Cape Colony for whatever loss may be following on the transfer of business from money orders to postal orders, leaving the simplicity and other advantages to the public as clear gains on the change.

British postal orders are issued and paid in the undermentioned British Possessions and other places abroad:—

Aden.
Andaman Islands.
Ascension.
*Bahamas.
Baluchistan.
*Barbados.
Basutoland.
*Bechuanaland Protectorate.
*Bermuda.
*Beyrout (British Agency).
British Bechuanaland.
*British Central Africa.
*British East Africa.
*British Guiana.
*British Honduras.
Burma.
Bushire.
†Canada.
*Cape of Good Hope (Province of).
*Cayman Islands.
*Ceylon.
Chatham Islands.

* Postage stamps of these countries and British Agencies, when properly affixed to British postal orders by the senders, are paid up to the value of 5d. Postage stamps of British Agencies are not recognised for this purpose if the value has been over-printed in local currency (see Regulations regarding postage stamps affixed to postal orders).

† British postal orders are paid at certain offices in Canada, but are not issued in Canada.

- *Constantinople (British Agency).
- Cook Islands.
- *Cyprus.
- Egypt (including the Soudan).
- *Falkland Islands.
- Fanning Island.
- Federated Malay States.
- *Fiji.
- *Gambia.
- *Gibraltar.
- *Gold Coast.
- *Grenada.
- Hong Kong and British Agencies in China.
- *India and Indian post offices on the Persian Gulf and in Tibet.
- *Jamaica.
- Labuan.
- *Leeward Islands:—
 - Anguilla.
 - *Antigua.
 - *Dominica.
 - *Montserrat.
 - *Nevis.
 - *St. Kitts.
 - *Virgin Islands.
- *Malta.
- Mauritius.
- *Morocco (British Agencies at Casablanca, Fez, Larache, Marrakesh, Mazagan, Mogador, Rabat, Saffi, Tangier, and Tetuan).
- *Natal (Province of).
- *Newfoundland.
- *New Zealand.
- *Nigeria (Northern).
- *Nigeria (Southern).
- *North Borneo (British).
- *Nyasaland (British Central Africa).
- *Orange Free State (Province of).
- *Panama (British agency).
- Penrhyn Island.
- *Rhodesia (North-Eastern).
- *Rhodesia (North-Western).
- *Rhodesia (Southern).
- St. Helena.
- *St. Lucia.
- *St. Vincent.
- *Salonica (British Agency).
- Sarawak.
- Savage Island.
- *Seychelles.
- *Sierra Leone.
- *Smyrna (British Agency).
- *Somaliland Protectorate.
- Straits Settlements.
- Swaziland.
- *Tobago.
- *Transvaal (Province of).
- *Trinidad.
- *Turks and Caicos Islands.
- *Uganda.
- *Zanzibar.

* Postage stamps of these countries and British Agencies, when properly affixed to British postal orders by the senders, are paid up to the value of 5d. Postage stamps of British Agencies are not recognised for this purpose if the value has been over-printed in local currency (see Regulations regarding postage stamps affixed to postal orders).

MEMORANDUM BY THE GENERAL POST OFFICE.

CHEAPENING OF CABLE RATES.

Resolution of Government of New Zealand:—

"That in view of the social and commercial advantages which would result from increased facilities for inter-communication between her dependencies and Great Britain, it is desirable that all possible means be taken to secure a reduction in cable rates throughout the Empire."

1. The Postmaster-General is in entire sympathy with this resolution. It is eminently desirable that the rates for cable communication throughout the Empire should, in the interests of commercial and social intercourse and of the dissemination of news, be as low as is consistent with the adequate maintenance and the financial stability of the system.

2. Among the various methods which have from time to time been advocated for the purpose of bringing about a reduction of rates, the most prominent have been the acquisition of the cable system by the State, competition by the agency of State-owned cables, cables of new companies, land lines, and wireless telegraphy.

The policy of purchase by the State has never been seriously urged. It would be a financial transaction of great magnitude and doubtful profit. It is not likely that the service would be improved under State management. The State would be exposed to urgent demands for the adoption of an unremunerative tariff, which it might be difficult to resist. The State could not purchase the cables landed on foreign territory which serve as links in the great lines of commercial communication, or as valuable feeders for the main system. Moreover, wireless telegraphy is making advances which, at the best, would make it a somewhat hazardous speculation to embark a large amount of capital on a submarine cable system.

Neither can competition by State-owned cables be recommended. Such a measure is open to the same objections as State purchase, while it would in certain cases have the disadvantage of weakening lines which it is important on national grounds to maintain in a sound position.

Competition by new companies which would be formed if rates were excessive would tend to bring these rates to a natural level. But there is no prospect of such companies coming forward under present conditions. The support of new companies by subsidies would involve Government competition in another form. Such competition has arisen in recent years through the successful efforts of foreign countries to provide through the State, or by means of State support, new lines of cable independent of British territory; but this is merely an unmixed disadvantage to British cable interests.

Competition by land lines could only apply to a small portion of the Empire; and the encouragement of a competitive tariff by this agency would tend to transfer the traffic from Imperial lines to the territory of foreign Powers.

Competition by wireless telegraphy may one day materially modify the existing situation; and the resolution of the New Zealand Government in favour of the establishment of a State-owned chain of wireless telegraph stations is receiving the consideration which its great importance and far-reaching issues demand. But, in the only case in which a long distance shore-to-shore service has actually been established (that of the Marconi Company's service between Ireland and Canada) it has not as yet proved itself a serious competitor with the cable companies for ordinary commercial communication.

3. Assuming that the existing cable system must virtually be dealt with as it stands, the most suitable method of ensuring a moderate tariff is regulation by the Government.

The most effective weapon which the State possesses for this purpose is the right of attaching conditions to the grant of landing rights.

The following resolution of the Cape Government, which was adopted at the Conference of 1907:—

"That landing licences should not operate for a longer period than 20 years, and that when subsidies are agreed to be paid, they should be arranged on the standing revenue principle—i.e., half the receipts, after a fixed gross

revenue has been earned, to be utilised for the extinguishment of the subsidy and, by agreement, for the reduction of the rates";

recognises the importance of this right of the State by providing that grants of landing rights should not be for a period of more than 20 years, and recommends the adoption of an arrangement for the reduction of rates on a sliding scale which is based, not on competition, but on regulation.

Once the State has granted the requisite landing rights, its power of control under the present form of licence would be exhausted until the Company are under the necessity of obtaining a renewal.

The Postmaster-General now proposes that, so far as practicable, advantage should be taken of the opportunity of applications for the grant or renewal of landing rights in the United Kingdom for cables serving the purposes of Imperial communication to impose a measure of Government control over the companies' rates. The proposal is that whenever such a course appears necessary the rates should be fixed by the Government at whatever amount is found to be reasonable with reference to the company's receipts and necessary expenditure, and that, in the event of difference, the matter should be referred to arbitration.

4. The control of rates will apply to the future rather than to the present; and the Postmaster-General is not in a position to say what rates might be imposed when the desired power of control has been secured.

On the last occasion on which the question of telegraph rates formed the subject of an enquiry, the Inter-Departmental Committee on Cable Communications, which sat under the presidency of Lord Balfour of Burleigh in 1901, reported that they were not prepared to say that the rates then in existence (with one or two minor exceptions) were excessive; and since that date a good many of these rates (including the exceptional rates in question) have been further reduced, while those persons who make use of codes have been enabled to effect a large saving owing to the grant by the International Telegraph Conference of London in 1903 of the privilege of making up artificial words.

While the rates charged for ordinary commercial telegrams in code may be capable of further reduction, it must be recognised that, owing to the great power of compression afforded by the present very liberal code regulations, the rates fixed by the tariff are very largely reduced when regard is had to the number of words of which the meaning is actually conveyed. On the other hand, there are large sections of the community who are compelled, owing to the circumstances in which their telegrams are necessarily sent, to use plain language, and who are therefore practically debarred from deriving any benefit from arrangements which are intended in theory to be open equally to all users of the International Telegraph System. These considerations led the Postmaster-General to associate himself with a scheme suggested some time ago by the Postmaster-General of the Commonwealth of Australia, supported by the Prime Minister of New Zealand and the Postmaster-General of Canada, and elaborated by the Pacific Cable Board, for the introduction of a reduced rate for telegrams in plain language, on the condition that telegrams accepted at the reduced rate will be liable to be deferred in favour of telegrams paid for at the ordinary tariff. The object of the scheme is to recognise the equitable claims of the sections of the public on whom the high charge for the cable service presses with some severity, and, in doing so, to encourage them to make a more extensive use of the telegraph. The scheme has been actively pursued by the Postmaster-General, and has met with the approval of the principal cable companies, and it is now forming the subject of negotiations with certain of the Government Administrations concerned. The Postmaster-General hopes that these negotiations will soon be brought to a successful issue, so that what he regards as a valuable reform may shortly be introduced.

Apart altogether from the rates which it might be proper to charge for ordinary or deferred (plain language) telegrams, the Postmaster-General thinks that in the public interest the cable companies might well be pressed to concede further substantial reductions in the rates for press telegrams, and he proposes to use his influence in this direction as soon as it is possible to do so without jeopardising the success of the other negotiations.

General Post Office,
24 February, 1911.

No. IV.

MEMORANDUM BY THE GENERAL POST OFFICE.

STATE-OWNED TELEGRAPH LINE ACROSS CANADA.

"That in order to facilitate the handling of the traffic and to secure entire control over the route in which it is engaged, the powers of the Pacific Cable Board be extended to enable the Board to work a land line across Canada."

The proposal for the construction of a telegraph line across Canada is put forward in connection with the proposal for the provision of a State-owned cable across the Atlantic; and it may be that it is regarded as dependent on the decision to be arrived at with regard to that provision.

The Postmaster-General understands that the arrangement under which the Pacific Cable Board have taken a lease of a line between Montreal and the Pacific coast has enabled them to effect a marked improvement in working on the section on which such improvement was required.

If the Pacific Cable Board are dissatisfied with the working of the companies which provide communication between Montreal and the Atlantic coast, a remedy might be found in a similar lease of a private wire over that section.

The provision of a State-owned line across Canada would necessitate a heavy outlay; and, in the absence of a working arrangement with one or other of the companies controlling the land lines in Canada, reliance on a single line would expose the service to the risk of dislocation in the case of interruption.

General Post Office,
24 February, 1911.

V.

MEMORANDUM BY THE GENERAL POST OFFICE.

STATE-OWNED ATLANTIC CABLE.

Resolution of New Zealand Government:—

"That, in order to secure a measure of unity in the Cable and Telegraph Service within the Empire, the scheme of telegraph cables be extended by the laying of a State-owned cable between England and Canada, and that the powers of the Pacific Cable Board be extended to enable the Board to lay and control such cable."

Resolution of the Australian Government:—

"That this Conference strongly recommends the nationalisation of the Atlantic cable in order to cheapen and render more effective telegraphic communication between Great Britain, Canada, Australia, and New Zealand by thus acquiring complete control of all the telegraphic and cable lines along the 'all-red' route."

1. There are the following objections to the provision of a State-owned cable across the Atlantic for Pacific cable traffic:—

(1) The traffic passing over the Atlantic to or from the Pacific cable (amounting roughly to about 1,000,000 words per annum) would not constitute a sufficient load to make it possible to work the cable otherwise than at a loss. If the cable is not fully employed any reduction in rates would increase the loss.

(2) It would not be possible to supplement this traffic by competing for Canadian or United States business, for the following reasons:—

(a) There would be no certainty of obtaining the use of connecting land lines, as the inland telegraphs in Canada, as well as in the United States, are in the hands of private companies in alliance with those cable companies with which the State-owned cable would be competing.

(b) It would not be practicable to make satisfactory arrangements with the competing cable companies for the handling of the traffic in the event of the interruption of the Government cable—a contingency to which cables in the North Atlantic are much exposed. It

No. VII.

STATE-OWNED BRITISH WIRELESS TELEGRAPH STATIONS.

MEMORANDUM.

(Confidential.)

1. The resolution of the Government of New Zealand respecting a scheme of State-owned wireless telegraph stations commences by reference to the scheme approved by the Melbourne Conference, 1909, which included high power stations at Suva and Ocean Island communicating with one another, and high power stations in Australia and New Zealand to communicate with one another and with the station at Suva. On the 22nd of March the Secretary of State informed the Governments of the Commonwealth of Australia and New Zealand that, as at present advised His Majesty's Government saw no sufficient reason, either on strategic or commercial grounds, to erect the proposed stations at Suva and Ocean Island, but added that the question of connecting Suva with Vila (New Hebrides), Tulagi (Solomon Islands), and Ocean Island by a series of medium power stations was being considered with the High Commissioner for the Western Pacific.

2. The Marconi Company on March the 10th, 1910, asked to be granted, or to be assisted in obtaining, licences to erect and operate 18 high-power stations to form a chain of communication throughout the Empire, the licences to be for 20 years from date of completion of stations, the Governments concerned to have the right to purchase the stations at the end of that time, and the licences to be renewed for so long as this right was not exercised. The Company asked for no subsidy and promised that telegraph rates between places within the British Dominions should be reduced so that none should exceed 1s. per word.

3. Consideration was given to various aspects of this offer, but the matter was not until recently looked upon as pressing, in view of the comparative inefficiency of the one existing long-distance service which is worked by the Marconi Company across the Atlantic. It has now become evident that this service, though slow and of low capacity, is fairly accurate and regular, and that the chances are in favour of the early development of long-distance wireless to a point when it will possess a definite commercial value. It appears also that foreign Companies and foreign Nations are giving practical consideration to the question, and that action must be taken now by this country if it is to be first in the field, and thereby to obtain the advantages of attracting traffic and claiming non-interference.

4. Wireless communication is considered by the Naval Authorities to be a desirable alternative to the use of cables, which are liable to be cut, and have vulnerable landing-places, and they look on a wireless system as a valuable addition to any cables, as it in effect extends their advantage to ships on the high seas. Commercially its importance is at present derived from the low cost of installation and maintenance compared with that of a cable, which may lead to reductions in telegraph rates partly from the use of the wireless system itself and partly from the promise of its competition with cable systems.

5. Consideration of Marconi's original proposal led to the conclusion that, as competing wireless stations in British Possessions would in many cases not be possible, the acceptance of the proposal would practically give a monopoly to the Company, that such a monopoly would not tend to the development of wireless telegraphy nor be in the general interests of the Empire, and that any system of long-distance wireless stations should therefore be State-owned.

6. The Marconi Company, on being approached as to the terms under which they would provide such a system for the Empire, assist in maintaining it by giving their experience and the use of present and future patents and inventions and agree not to erect or to assist in erecting or working new long-distance stations outside the Empire except with the approval of His Majesty's Government, asked (13 April, 1911) for—

- (i) Repayment of the cost, not exceeding £70,000, of each station erected;
- (ii) A lump sum of £250,000;
- (iii) A halfpenny per word on messages for each terminal and transit station.

7. His Majesty's Government, who have had these terms under consideration, regard them as very excessive, and have come to the following conclusions:—

- (1) That, in the first instance, six long-distance wireless stations should be erected in Great Britain, Cyprus, Aden, Bombay, the Straits Settlements, and Western Australia.
- (2) That these stations should be erected as soon as possible.
- (3) That the sites for the stations should be marked out at once and some work begun upon them so as to make the intention to erect the stations speedily unmistakably clear.
- (4) That arrangements should be made with the Marconi Company, if satisfactory terms can be agreed upon, for the erection at cost price plus a specified percentage—of the above stations. It would be a matter for further consideration whether such an arrangement should include an undertaking on the part of the Company to give to the Governments concerned, in return for reasonable remuneration, all their assistance and advice for the successful working of these stations and any other long-distance stations that may be required, together with the benefit of the use of all existing and future patents and inventions in respect of long-distance wireless telegraphy.
- (5) That, failing the completion of a satisfactory arrangement on the above basis with the Marconi Company, the six stations should be erected by the Admiralty and subsequently worked by the civil authorities of the Governments concerned. If this procedure is adopted, some enquiry may be necessary as to the existing and prospective claims and rights of the Marconi Company under patents and legal agreements held by them in the United Kingdom, Crown Colonies, India, and Australia.
- (6) That the total cost of the stations and of the working expenses should be pooled, and should be borne in certain proportions (to be fixed by subsequent agreement) by the several Governments concerned, receipts being divided in the same proportion.

13 June, 1911.